APPENDIX C.

*Form of Shipping Bill.*

Entry of Goods exported by
from per under
colors to

| 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|
| Marks. | Number and Kind of Packages. | Description of Goods. | Weight or Quantity. | Market Rates for value. |
| | | | | |

| 6 | 7 | | 8 |
|---|---|---|---|
| Market or Real value under Section XXIX of Act VIII of 1878. | DUTY RECOVERED, IF ANY. | | Remarks for the guidance of Customs Officer at the Port of Discharge. |
| | Rate. | Amount. | |
| | | | |

EXPLANATIONS.

Any additional columns or endorsement forms required for purposes of registration, check, transfer, &c., by local usage may be added under the orders of local authorities.

In shipments of free goods, columns 7 and 8 may be left blank.

An additional column may be opened for specifying the class of goods to be shipped, namely, warehouse or drawback goods, goods exported under special rule of restriction, country goods subject to duty, and country goods free of duty.

(G. N. No. 4581, dated 1st July 1890.)

*Note.*—The above rules were republished for Sind under the Commissioner in Sind's Notification No. 2455, dated 17th July 1890.

**5.** In exercise of the power conferred by Section 157, clause (*a*) of the Sea Customs Act, 1878, the Governor in Council is pleased to make the following rules in supersession of all rules heretofore made by him under the said clause of the said section at present in force, *viz.*:—

(1) The provisions of Sections 85 and 88 of the said Act are extended to all coasting vessels of whatever description engaged in coasting trade in any part of the Presidency of Bombay and to all goods imported or exported in any such vessel.

(2) The provisions of Section 64 of the said Act, not including those of clause (*a*) of the said section and the provisions of Section 66 of the said Act, are extended to all coasting vessels of the following descriptions and to all goods imported or exported therein, *viz.*, steamers and square-rigged vessels engaged in any part of the Presidency of Bombay in coasting trade.

(3) All the provisions of the chapters and sections of the said Act mentioned in Section 156

thereof, other than those specified in the two last preceding rules, are extended to all coasting vessels of the following descriptions and to all goods imported or exported therein, namely, steamers and square-rigged vessels engaged in any part of the Presidency of Bombay in coasting trade which do not possess a general pass under Section 164 of the said Act.

(4) The provisions of Sections 55 and 63 of the said Act shall so far extend to all coasting vessels to which they have not already been extended, as to require that every import and export manifest to be delivered at ports of final destination and first departure by the master of every such vessel, shall contain, and show separately particulars of all arms and ammunition kept or carried as part of the ordinary equipment thereof.

(5) The provisions of Sections 54, 55 and 86 of the said Act are extended to all coasting vessels of the following description and to all goods imported therein, *viz.*, steamers engaged in any part of the Bombay Presidency in coasting trade which possess a general pass under Section 164 of the said Act other than one valid for the ports of more than one presidency granted under the rules issued under Government Notification No. 4581, dated 1st July 1890, published at page 596, Part I, of the *Bombay Government Gazette* dated the 3rd idem.

(G. Ns. Nos. 4026, dated 20th June 1888, 8769, dated 19th November 1889, and 7374, dated 26th October, 1891.)

**6.** In exercise of the power conferred by Section 157, clause (*a*), of the Sea Customs Act, 1878, the Governor of Bombay in Council is pleased to make the following rule, *viz.* :—

At the port of Bombay, the provisions of Sections 61 and 136 of the said Act are extended to all coasting vessels of the description known as country craft and to all goods exported therein.

(G. N. No. 4437-I., dated 25th May 1892 )

**7.** Clause (*b*) of Section 157 of the Sea Customs Act, 1878, does not authorize the Local Government to deprive coasting vessels of privileges which the Act specially confers upon them as upon other vessels; it merely empowers the Government to *exempt* such vessels from certain provisions of the Act. (L. R. No. 401, dated 6th April 1888; *vide* G. R. No. 4026, dated 20th June 1888.)

**8.** In exercise of the powers conferred by Section 157, clause (*c*), of the Sea Customs Act, 1878, the Governor of Bombay in Council is pleased to make the following rule:—

A vessel arriving at a port in the Bombay Presidency with dutiable stores on board shipped at a foreign port may, when she becomes a coasting vessel, carry such stores on payment of the

duty chargeable thereon: provided that if they are intended for consumption after the vessel shall have re-entered the foreign trade and shall have ceased to be a coasting vessel, such stores may be carried without payment of duty, on their being sealed up under a Customs seal kept unbroken until the vessel has obtained entry outwards for a foreign port.

(G. N. No. 4437 E., dated 25th May 1892.)

*Note.*—This notification is also applicable to Sind; *vide* G. Rs. Nos. 4437, dated 25th May 1892, and 6680, dated 19th August 1892.

**9.** In exercise of the power conferred by Section 157, clause (*d*), of the Sea Customs Act, 1878, the Governor in Council is pleased to make the following rule, *viz.*:—

The conveyance of country liquor, as defined in the Bombay A'bkári Act, between the ports of Bombay and Karáchi in any coasting vessel, other than a vessel propelled by steam, is prohibited.

(G. N. No. 4437 K., dated 25th May 1892.)

**10.** In exercise of the powers conferred by Section 53 (2) and (3) of the Native Passenger Ships Act X of 1887, the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to issue the following rules for observance by coasting steamers sailing under general passes granted to them under the provisions of Section 164 of the Sea Customs Act VIII of 1878, when embarking or discharging passengers at the ports under the control of the Collector of Salt Revenue, Bombay Presidency:—

I. The owner of every such steamer shall provide two separate gangways on each side, two fore and two aft.

II. It shall be the duty of the master of every such steamer to have two of such gangways, one fore and one aft, lowered immediately after the signal referred to in Rule 1 of the Rules issued under Section 6 of the Indian Ports Act X of 1889 (Government Notification No. 1735 of the 5th March 1890) is exhibited.

III. No master of such vessel shall permit passengers to embark except by the aft gangway so lowered, or shall permit passengers to be discharged except by the fore gangway.

Every owner of such steamer shall for every breach of Rule No. 1 of these Rules be punished with fine which may extend to two hundred rupees and, when the breach continues, shall be punished with a further fine which may extend to twenty rupees for every day after the first during which the breach continues. Every master of such steamer shall for every breach of No. II or III of these Rules be punished with a fine which may extend to two hundred rupees.

(G. N. No. 3335, dated 20th August 1890.)

## XVII.—OFFENCES AND PENALTIES.

1. The following opinion of the Honourable the Advocate General, No. 93, dated 5th October 1889, was communicated to the Commissioner of Customs for information and guidance :—

"I understand from the papers sent to me that it is not disputed that the bank took the shipping documents relating to the goods, in respect of which the offence of importation with a counterfeit trade mark applied is alleged to have been committed, as cover to or security for a bill of exchange discounted by the bank in the ordinary course of business, and that the bank had no knowledge or reason to suppose that the goods to which such documents related bore a counterfeit trade mark. If this be so, it is in my opinion impossible to consider that the bank was concerned in any offence within the meaning of Section 167 (8) of the Sea Customs Act; and I think that the fine of Rs. 500 if levied ought at once to be refunded. The goods, however, to which the counterfeit trade mark has been applied are liable to confiscation, as this penalty is attached to the goods whether or not their owner has been concerned in any offence.

"I have not seen the alleged counterfeit trade mark. But I wish again to repeat a caution which I have before given to the Customs authorities not to accept the statement of a person who asserts that his trade mark has been counterfeited except the case is free from any possible doubt. Few points are more difficult to decide than whether one mark is a counterfeit or colourable imitation of another mark or not; and the person who asserts that his trade mark has been infringed ought to be put to establish the infringement in a Court of Law before the Customs authorities act on his assertion. The certificate of registration under the Patents Designs and Trade Marks Act, 1883, proves the existence of the trade mark but not its infringement. If this caution be neglected, I am certain that Government will be plunged into costly litigation; as it will be the object of every person entitled to a trade mark to get the Customs authorities to fight his battles for him."

(G. R. No. 8013, dated 22nd October 1889.)

2. The proper construction of the words "goods shall be liable to confiscation and any person concerned in any such offence shall be liable to a penalty" occurring in Section 167 of the Sea Customs Act is that both, or only one, and either, of the punishments therein mentioned, that is to say (1) confiscation and a penalty, or (2) confiscation only or (3) a penalty only, may be legally inflicted. (Adv. Gen. No. 65, dated 11th August 1890; *vide* G. R. No. 6161, dated 30th idem.)

3. Sections 55 and 167 (17) of the Sea Customs Act, 1878, give no authority to recover duty on shortages of bottled wines and spirits not satisfactorily accounted for, nor is there any other authority which entitles the Customs Department to charge the import duty on any article not actually imported into British India. The opinion expressed by the Advocate General in his memorandum No. 43*

* "The meaning of the phrase 'imported by sea' is now under consideration by the High Court in the case of *Limji Jamsetji* vs. *The Secretary of State*, in which the question arose with regard to the importation into the port of Broach of a cargo of salt. Pending the decision of the High Court, I am of opinion

dated 30th June 1874, is merely to the effect that goods brought into Bombay Harbour must be considered as "imported by sea." There is no doubt that duty is payable upon such goods as provided by Act VIII of 1878, but this is very different from saying that duty is payable upon goods which may not actually have been brought into the harbour, but which are treated by the Customs Authorities as having been imported merely because they are entered in the bill of entry. The duty is leviable upon the quantity and value of goods actually brought into the harbour, and the bill of entry or shipping bill is very good *primâ-facie* evidence of this quantity and value, but there is nothing in the Act to prevent the shipowners from amending the bill within the time allowed by Act VIII of 1878. (Adv. Gen. Nos. 12, dated 2nd February, and 79, dated 17th August 1891; *vide* G. R. No. 6069, dated 4th September 1891.)

4. A master cannot be held responsible under No. 17 of Section 167 of the Sea Customs Act for any articles missing from a case on board his vessel if the case is unbroken and it appears in the manifest (as it always does) as a package the contents of which are unknown; but the master may be held responsible if the package is found broken on board and it can be shown by reasonable evidence that the contents are deficient. The master is in no case responsible if the breakage or deficiency is not discovered until after the goods have been landed under Section 85; nor is the agent of the vessel in any case made responsible by the law as it now stands for duty or penalties on goods landed under Section 85 into his custody.

It is, however, optional with the Collector to grant or refuse the permission required by Section 85, and if he considers it necessary to do so, for the protection of the public revenue, he is at liberty to refuse permission unless the agent agrees in writing to accept liability for all duties which would or might have been recoverable in respect of missing or deficient goods had the cargo been examined on board, or makes such other arrangement as satisfies the Collector that the public interests will not suffer by the cargo being discharged into the custody of the ship's agent. (G. I., F. & C., No. 4271, dated 15th October 1891; *vide* G. R. No. 8028, dated 24th November 1891; *vide* also G. R. No. 8114, dated 13th October 1892.)

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that the words 'imported by sea' in Section 7 of Act VI* of 1873 must be construed according to their literal meaning, that is 'conveyed or carried into by sea.' The propriety of this literal interpretation of the words is supported by the subject-matter of the Act, as well as by the context of the section itself. The Act is one for the transhipment of goods; and the contest refers to re-export by sea from the same port. No 'laying of the goods on land' is therefore contemplated; and the clear inference from the terms of the section is that the re-export may be in the same bottom, as the duty on such re-export is declared to be the same as the fee which would have been payable 'in case of transhipment'... ..." (Adv. Gen No. 43 dated 30th June 1874; *vide* G. R. No. 3593, dated 13th July 1874.)

* Repealed by Act VIII of 1878.

## XVIII.—REWARDS.

1. The following rules for regulating the grant of rewards for the detection and prevention of offences against the Sea Customs Laws in the Bombay Presidency are published for general information :—

(1) When the confiscation of any property has been ordered or any penalty has been adjudged under the provisions of the Sea Customs Act, VIII of 1878, the Collector of Salt Revenue in the case of confiscations and penalties adjudged by officers of the Salt Department, and the Deputy Commissioner of Customs in the case of confiscations and penalties adjudged by officers of the Bombay Custom House, may, subject to the general control of the Commissioner of Customs, grant, in such proportions as they may think fit, to any person or persons who may have contributed to the seizure of the property or the conviction of the offenders rewards not exceeding the value of the property confiscated *plus* the amount of any fine recovered.

(2) In any case in which, in the opinion of the Commissioner of Customs, any person has performed any service of special merit in respect of the prevention or detection of smuggling or of any offence against the Sea Customs Laws, the Commissioner may grant to such person a reward not exceeding in amount Rs. 50. A reward granted under this rule may be in addition to, or in lieu of, any reward that may or might have been granted under Rule I.

(3) The Commissioner of Customs, or with his sanction the Collector of Salt Revenue or the Deputy Commissioner of Customs, may incur at his discretion expenditure not exceeding Rs. 100 in each case for the employment of informers or for other purposes connected with the prevention or detection of smuggling or of any offence against the laws relating to Sea Customs.

(G. N. No. 2181, dated 27th April 1878.)

2. The following rules for regulating the grant of rewards for the detection and prevention of offences against the Sea Customs Laws in Sind are published for general information :—

(1) When the confiscation of any property has been ordered, or any penalty has been adjudged under the provisions of the Sea Customs Act VIII of 1878, the Collector of Customs in the case of confiscations and penalties adjudged by officers of the Customs Department may, subject to the general control of the Commissioner in Sind, grant, in such proportions as he may think fit, to any person or persons who may have contributed to the seizure of the property or the conviction of the offenders, rewards not exceeding the value of the property confiscated plus the amount of any fine recovered.

(2) In any case in which, in the opinion of the Commissioner in Sind, any person has performed any service of special merit in respect of the prevention or detection of smuggling or of any offence against the Sea Customs Laws, the Commissioner may grant to such person a reward not exceeding in amount Rs. 50. A reward granted under this rule may be in addition to, or in lieu of, any reward that may be or might have been granted under Rule I.

(3) The Commissioner in Sind or, with his sanction, the Collector of Customs may incur at his discretion expenditure not exceeding Rs. 100 in each case for the employment of informers or for other purposes connected with the prevention or detection of smuggling, or of any offence against the laws relating to Sea Customs.

(G. N. No. 6518, dated 20th September 1882.)

## XIX.—SUNDAY AND HOLIDAY WORKING.

1. The following rules respecting the working hours of the Preventive and Wharf Departments of the Custom House in Bombay having received the approval of Government, are published for general information, under Section IV of Act VI of 1863:—

Ordinary working hours on board ship or on the wharves shall be from sunrise to sunset, except on Sundays, Christmas day, Good Friday, New Year's Day, and Queen's Birthday, which shall be close holidays.

Preventive or wharf officers who may be required by ship masters, merchants, or others, to work before or after the above hours, on ordinary working days, shall be paid the following fees by the parties requiring their services:—

| | Rs. | a. | p. |
|---|---|---|---|
| From sunset to midnight or for any portion of that period ... ... ... | 5 | 0 | 0 |
| From midnight to sunrise or for any portion of that period ... ... ... | 5 | 0 | 0 |
| For *extra* officers employed at the special request of ship masters or others, per working day ... ... ... | 5 | 0 | 0 |

For officers of the permanent establishment or for extra officers employed during Sundays or close holidays:—

| | Rs. | a. | p. |
|---|---|---|---|
| From sunrise to sunset or any portion thereof. | 10 | 0 | 0 |
| From sunset to sunrise or any portion thereof. | 10 | 0 | 0 |

In addition to the foregoing, conveyance hire shall be charged for any officers deputed at the special request of merchants or others to superintend the landing or shipping of goods at distant bandars not authorized for the general receipt of such goods. (Commissioner of Customs' Notification, dated 24th January 1865; *vide* G. R. No. 251, dated 21st idem.)

*Note.*—The above rules were extended to the Customs House in Karáchi by G. R., F. D., No. 1821, dated 23rd May 1873.

2. The rule in force in Bombay of paying to pilots the fees recovered from vessels leaving port on Sundays, holidays and after hours should also be introduced in Karáchi. (G. R. No. 903, dated 19th February 1880.)

*Note.*—A similar privilege was granted by Government Resolution, Marine Department, No. 28, dated 10th January 1878, to the Native pilots and the crews of boats employed on night pilotage at Aden.

3. The following rules for the Port of Karáchi, in respect of working hours on board ships and on the wharves, prescribed by the Commissioner in Sind, with the approval of His Excellency the Governor of Bombay in Council, are published for general information:—

1. Ordinary working hours on board ships and at the wharves shall be from sunrise to sunset, except on Sundays, Christmas Day, Good Friday, New Year's Day, and the Birth-Day of Her Majesty the Queen-Empress, and any day which Government may specially appoint to be observed as a general holiday, which shall be close holidays.

2. But goods may be discharged from a ship or shipped or waterborne for shipment from a wharf, or passed from or on to a wharf, on importation or exportation between sunset and sunrise and on close holidays (except Sundays) on written permission to do so from the Collector of Customs. For each such permission fees shall be recovered at the rates prescribed in the appended table.

3. The Collector of Customs may, by an order in writing, permit work on Sundays on board ships on payment, in addition to the fees prescribed in the appended table for work on close holidays, of a fee equal to one day's demurrage subject to a minimum charge of Rs. 50 and a maximum charge of Rs. 200 for each ship on which work is carried on. Demurrage for the purpose shall be calculated at the rate of 6¼ annas per ton of registered tonnage. But it shall be within the discretion of the Collector of Customs to remit or reduce the special fee for Sunday work leviable on mail steamers which cannot avoid working cargo on Sundays. Such remission shall not ordinarily be made except in the case of mail steamers, for which Karáchi is a port of call only.

4. The discharge of explosives shall be considered as exempted from the special fee for Sunday work, the ordinary fee for close holidays only being paid in such cases. But explosives shall not be discharged on Sundays without written permission from the Collector of Customs.

5. No Sunday traffic shall be permitted on any wharf, pier or jetty, save as may be necessary, for the loading or unloading of ships lying alongside, for which special permission has been obtained under Rule 3.

*Table of Fees for working out of authorized hours and on close holidays (except Sundays) on board vessels and at the wharves.*

| Nature of Work | On ordinary days out of authorized hours. | | On close holidays (except Sundays). | | |
|---|---|---|---|---|---|
| | From sunset to midnight or any portion of that time. | From midnight to sunrise or any portion of that time. | From sunrise to sunset or any portion of that time. | From sunset to midnight or any portion of that time. | |
| 1. Discharging or shipping cargo from or on to the importing or exporting vessel. | Rs. 5 for each vessel. | Rs. 5 for each vessel. | Rs. 10 for each vessel. | Rs. 10 for each vessel. | |
| 2. Passing goods from or on to a wharf for importation or exportation. | Rs. 5 for each importer or exporter. | Rs. 5 for each importer or exporter. | Rs. 10 for each importer or exporter. | Rs. 10 for each importer or exporter. | |
| 3. For landing or shipping goods from or on to cargo boats, on to or from a wharf. | Rs. 5 for each application. | Rs. 5 for each application. | Rs. 10 for each application. | Rs. 10 for each application. | But the Collector may, with the previous sanction of the Commissioner in Sind, make a compounded charge of Rs. 100 for such work to be performed during a month instead of the fee herein prescribed. |

(G. R. No. 2294, dated 13th March 1896, and Commissioner in Sind's Notification No. 1200, dated 2nd April 1896.)

**4.** Government have sanctioned the arrangement made by the Commissioner of Customs, Salt, Opium and A'bkári for the payment of extra remuneration to the officers and other employés of the Preventive Service engaged on patrol duty at night both in the harbour and at the Prince's Dock out of the fund raised by the imposition of special fees levied for the grant of permission to vessels to take in and discharge cargoes on Sundays and holidays. But the whole surplus balance standing to the credit of the fund on 1st April 1889 was ordered to be credited to Government, and it was directed that in future all surplus accumulations from the same source should be similarly credited at the end of each official year, the fees being credited to deposits and the remuneration charged to the same head. The same course is to be followed in Sind in respect of surplus accumulations of fees accruing at Karáchi. (G. R. No. 4488, dated 24th June 1889.)

**5.** The practice as regards the levying of fees for the working of cargoes on Sundays at the Karáchi Port should be entirely assimilated to that prevailing at Bombay, where besides the charges sanctioned by Government Resolution No. 251, dated 21st January 1865, and a minimum Customs charge of Rs. 50 and a maximum Customs charge of Rs. 200 for each ship on board of which work is carried on (the demurrage for this purpose being calculated at the rate of 6¼ annas per ton of registered tonnage), a permit fee of Rs. 200 is levied by the Port Trustees. (G. R. No. 3157 dated 1st April 1892.)

## XX.—LAND CUSTOMS.*

1. The Right Honourable the Governor in Council is pleased to declare that the Native State of "Jawhár" situated in the northern part of the Thána Collectorate between the tálukas of Umbargaon and Tárápur shall be deemed to be foreign territory as regards the payment of duty upon salt and opium passing into or out of the said State to or from British Territory under the provisions of Section 3 of Act XXIX of 1857.

His Excellency in Council is further pleased to declare, under Section 6 of the Act above quoted, that the undermentioned routes alone are those by which salt and opium will be permitted to be passed into and out of the said State of "Jawhár" aforesaid, *viz* :—

*1.—To the Northward.*

1. The junction of the Sanján and Dáhánu roads.
2. Surrowli.
3. Ambersury.

*2.—To the Southward.*

1. Mahagaum.
2. Ryi Tulli.

*3.—To the Eastward.*

1. Ransett.

*4.—To the Westward.*

1. Agwan.

(G. N. dated 26th August 1868.)

*Note.*—Government Notification dated 8th May 1869, published at page 454 of the *Bombay Government Gazette* of 13th idem, directed that the foregoing notification of 26th August 1868 and the following notification of 18th February 1869 should be considered as having been issued under Section VI of Act XXIX of 1857 and Section IV† of Act XI of 1869, instead of under Sections III and VI of the former Act.

† Cf. Section of the Indian Tariff Act, 1894.

2. The Right Honourable the Governor in Council is pleased, under Section III of Act XXIX of 1857, to declare that the territories of any Native Chief not subject to the jurisdiction of the Courts of the Bombay Presidency shall so far as respects the duties on salt be deemed to be foreign territories, and that salt passing out of such territories into those of this Presidency, is liable to the existing duty.

It is hereby further notified, for the information of the public, in conformity with Sections IV and VI of Act XXIX of 1857, that the undermentioned routes have been fixed on as those alone by which it shall hereforth be lawful to import salt across the Káthiáwár frontier, and that all salt imported or attempted to be imported by any other route across the said frontier will be seized and dealt with according to law.

*List of Routes.*

On the Gogha frontier by way of Valukur, Tunsa, Bhojpura, Kurukri.

* All the notifications printed under this head, except G. Ns. Nos. 7644, dated 26th September 1892, and 8938, dated 25th October 1892, are apparently now obsolete. But as they are still technically in force, so far as they have not been formally cancelled, they have been included in this compilation for information.

On the Dhandhuka frontier by way of Dhandhuka Burwalla, Aniali, Salungpur, Barejra.

On the Dholka frontier by way Kunujla, Mitápur and Ghoria.

(G. N.* dated 18th February 1869; *vide* G. R. No. 693 of the same date.)

**3.** The following is to be substituted for the notification dated 14th December 1875, and published on page 1246 of the *Government Gazette* dated 16th idem.

The notification published on page 148 of the *Government Gazette* of 25th February 1869, Part I, is cancelled so far as it refers to Káthiáwár, and the following is substituted in place of it.

His Excellency the Governor in Council is pleased under Section 4 of Act XI of 1869 to declare that all that part of the Province of Káthiáwár, which lies outside and to the west of the Preventive Frontier as it has been defined by notification of the Political Agent, the same not being subject to the Courts or Civil authorities of the Bombay Presidency, shall be deemed to be foreign territory in so far that salt passing out of such territory across the said Frontier Line shall be liable to the duties specified in Schedule A to Act No. XVI of 1875 (The Indian Tariff Act), or any other law for the time being in force relating to the duties of Customs on goods imported and exported by sea.

It is hereby further notified for the information of the public, in conformity with Sections 4 and 6 of Act XXIX of 1857, that the undermentioned route has been fixed on as that alone by which it shall henceforth be lawful to import salt across the said Frontier Line, and that all salt imported or attempted to be imported by any other route will be seized and dealt with according to law.

*Route.*

By the way of Dhandhuka.

(G. N. dated 25th January 1876; *vide* G. R. No. 557 of the same date.)

**4.** Under Section 4 of Act XI of 1869, the Right Honourable the Governor in Council is pleased to declare the territories of His Highness the Gáikwár to be foreign territory for the purposes of the abovementioned Act.

(G. Ns. dated 11th January 1870 and 11th May 1870.)

**5.** Under Section 4 of Act XI of 1869, the Right Honourable the Governor in Council is pleased to declare the territories under the dominions of His Highness the Nizám to be foreign territory for the purposes of the abovementioned Act. (G. Ns. dated 11th January 1870 and 11th May 1870.)

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* This notification was cancelled, so far as it refers to Káthiáwár, by Government Notification dated 25th January 1876.

6. Under Section 4 of Act XI of 1869, the Right Honourable the Governor in Council is pleased to declare the Native States in Káthiáwár to be foreign territory for the purposes of the abovementioned Act. (G. Ns. dated 11th January 1870 and 11th May 1870.)

7. Whereas by Act XI of 1869, the Local Government is empowered to declare by notification in the Official Gazette, that the territory of any Native Chief, not subject to the jurisdiction of the Courts and Civil authorities of the territories under such Government, shall be deemed for the purposes of that Act to be foreign territory, and may declare goods passing into or out of such territory liable to the duties specified in any law for the time being in force relating to the duties of Customs on goods imported and exported by sea: and whereas by Act XXIX of 1857, Customs stations may be established at such places as may be determined by the Governor in Council for the levy of duties or customs on goods exported by land to, or imported by land from such foreign territories; and the Governor in Council may prescribe, by public notice in the Official Gazette, by what roads or passes goods shall be allowed to pass into or out of such foreign territory.

Notice is hereby given, that on and after the 1st day of November 1872, the territories of His Highness the Gáikwár and the Rája of Rájpipla shall be deemed, for the purposes of Act XI of 1869, to be foreign territories, and that from and after that date, spirits and fermented liquors ofwhatever description passing out of the territories of the said His Highness the Gáikwár and the Rája of Rájpipla into any portion of the Broach Collectorate, shall be liable to the duties specified in Schedule A to Act XIII of 1871, as the duties thereon when imported by sea.

*Viz.*—

*Spirits.*—Three rupees per Imperial gallon, the duty to be virtually increased as the strength exceeds London proof.

*Fermented Liquors.*—One anna per Imperial gallon.

*Toddy.*—One anna per Imperial gallon.

And from and after the date aforesaid shall be allowed to pass out of the territories of His Highness the Gáikwár and the Rája of Rájpiplá by the roads on which the Customs stations hereinafter established are situate and no others; and that the following Customs stations are hereby established for the levy of such duties, viz.:—

Samor.

Panoli.

Kharach.

(G. N., dated 23rd October 1872; *vide* G. R. No. 5298 of the same date.)

8. His Excellency in Council is pleased to publish the following amended notification in lieu of that published at pages 1114 and 1115 of the *Government Gazette* of the 24th October 1872 :—

Whereas by Act XI of 1869, the Local Government is empowered to declare by notification in the Official Gazette, that the territory of any Native Chief not subject to the jurisdiction of the Courts and Civil authorities of the territories under such Government shall be deemed for the purposes of that Act to be foreign territory, and may declare goods passing into or out of such territory liable to the duties specified in any law for the time being in force relating to the duties of Customs on goods imported and exported by sea. And whereas by Act XXIX of 1857, Customs stations may be established at such places as may be determined by the Governor in Council for the levy of duties on Customs on goods exported by land to, or imported by land from, such foreign territories; and the Governor in Council may prescribe, by public notice in the Official Gazette, by what roads or passes goods shall be allowed to pass into or out of such foreign territory.

Notice is hereby given, that on and after the 1st day of November 1872, the territories of His Highness the Gáikwár, the Rájas of Dharampor and Bánsda, and the Naváb of Baroda shall be deemed, for the purposes of Act XI of 1869, to be foreign territories; and that from and after that date, spirits and fermented liquor of whatever description passing out of the territories of the said His Highness the Gáikwár, the Rájas of Dharampor and Bánsda, and the Naváb of Baroda, into the territory of the British Government, shall be liable to the duties specified in Schedule A to Act XIII of 1871, as the duties thereon when imported by sea, viz.:—

*Spirits.*—Three rupees per Imperial gallon, the duty to be virtually increased as the strength exceeds London proof;

*Fermented Liquors.*—One anna per Imperial gallon;

*Toddy.*—One anna per Imperial gallon;

and from and after the date aforesaid shall be allowed to pass out of the territories of His Highness the Gáikwár, the Rájas of Dharampor and Bánsda, and the Naváb of Baroda, by the roads on which the Customs stations hereinafter established are situate and no others; and that the following Customs stations are hereby established for the levy of such duties, viz.:—

| | | | |
|---|---|---|---|
| Kudsad and Sáyan... | Táluká | Olpád... | Zilla Surat. |
| Dubhal and Wurode. | do. | Chorási. | ditto. |
| Sarbhon ... ... | do. | Bárdoli. | ditto. |
| Ranveri ... ... | do. | Chikhli. | ditto. |
| Chival ... ... | do. | Párdi... | ditto. |
| Kolva ... ... | do. | Jalálpor. | ditto. |

(G. N. dated 28th January 1873; *vide* G. R No. 487 of the same date.)

9. Under Section 4 of Act XI of 1869, an Act to make better provision for the collection of Land Customs on certain foreign frontiers of the presidencies of Fort St. George and Bombay, the Honourable the Governor in Council is pleased to declare the Native States in this Presidency, as given in the annexed List, to be foreign territories for the purposes of the said Act, and that all opium passing into or out of the said States and territories is liable to the duty specified in Schedule A. of Act XIII* of 1871, or any other law for the time being in force relating to the duties of Customs on goods imported and exported by sea :—

*Repealed by Act XVI of 1875, which has been repealed by Act XI of 1882, which again has been repealed by Act VIII of 1894.

*List of Native States connected with the Bombay Presidency.*

*Baroda.*

*Kutch.*

*Káthiáwár.*

First Class States-
- Bhávnagar.
- Navánagar.
- Junágad.
- Dhrángadra.
- Porbandar.†

Second Class States—
- Gondal.
- Morvi.
- Limdi.
- Wadhwán.
- Pálitána.
- Rájkot.
- Dhrol.
- Vánkáner and 174 other States of minor importance.

*Mahi Kántha.*

I'dar and 79 petty States.

*Rewa Kántha.*

Rájpipla.
Devgad-Báriya.
Lúnáváda.
Bálásinor.
Sunth.
Chhota Udepur and 53 petty States.

*Pálanpur.*

Pálanpur.
Rádhanpur.
Morváda.
Váv.
Váráhi.
Sántalpur and Chádchat.
Diodar.
Terváda.
Suigám.
Bhábhar.
Tharád in Kánkrej.

*Surat.*

Dharampor.
Bánsda.
Sachin.

*Thána.*

Jawhár.

*Kolába.*

Janjira.

*Kaira.*

Cambay and 17 petty Thákorates.

*Kolhápur and Southern Marátha Country.*

Kolhápur.
Sángli.
Miraj (2 branches).
Kurandvád (2 branches).
Jamkhandi.
Mudhol.
Rámdurg.

*Sávantvádi.*

Sávántvádi.

*Dhárwár.*

Savanúr.

*Sholápur.*

Akalkot.

*Sátára.*

Jath.
Bhor.
Phaltan.
Pant Pritinidhi.

*Khándesh.*

6 Mewas and 15 Dáng States, also estates of 5 Political Saranjámdárs.

*Panch Maháls.*

Petty Bhil Estates.

*Sind.*

Territory of His Highness Mir Ali Murad of Khairpur.

† Temporarily reduced to 3rd Class.

**10.** Section 2 of Act XXIX of 1857 provided for the levy of Customs on goods passing by land into or out of certain foreign European Settlements; and Section 3 of the same Act provided that the Governor of Bombay in Council had power to declare certain Native States to be foreign territory for the purposes of the Act, and to declare goods passing into and out of them liable to the duties fixed by Act I* of 1852.

Section 2 has been entirely repealed and in its place we now have Section 10 of Act XVI† of 1875 (The Indian Tariff Act). Section 3 was repealed by Section 2 of Act XI† of 1869, and Section 4‡ of Act XI of 1869 is now the law applicable to duties on frontiers of Native States. Although Section 2 of Act XI of 1869 was duly repealed, its repeal did not operate to revive Section 3 of Act XXIX of 1857. The recognised principle is that when an Act repealing, in whole or in part, a former Act is itself repealed, the last repeal does not revive the Act or provisions before repealed, unless words be added reviving them.

The notifications of the Government of Bombay noted in the margin were made under the provisions of Section 4 of Act XI of 1869. In the first notification of 23rd October 1872 (at page 1114 of the *Bombay Government Gazette*, 1872), the territories of His Highness the Gáikwár, the Rájas of Dharampor and Bánsda, and the Naváb of Baroda are declared to be foreign territories for the purposes of Act XI of 1869. The same notification declares that "spirits and fermented liquors" passing out of those territories into British territory will be liable to the duties specified for those goods in Schedule A of Act XIII§ of 1871 (The Indian Tariff Act).

As this notification expressly mentions the duties leviable under Act XIII of 1871 and as that Act is no longer in force, the notification so far as it relates to the said duties is no longer in force.

In the second notification of the same date the territories of His Highness the Gaikwár and the Rája of Rájpipla are declared to be foreign territories for the purposes of Act XI of 1869; and "spirits and fermented liquors" are declared liable to the duties specified in Schedule A of Act XIII of 1871 (The Indian Tariff Act). This notification also, so far as it relates to those duties, is no longer in force.

Section 4 of Act XI of 1869 provides that the Local Government may declare goods passing into and out of such territories liable to the duties specified "in the law for the time being in force relating to the duties of Customs on goods imported and exported by sea," and goods so passing shall thereupon be liable to those duties. Accordingly to render "spirits and fermented liquors" passing from those territories liable to the duties specified in the schedule of Act XVI of 1875 (The Indian Tariff Act) fresh notifications under Section 4 of Act XI of 1869 would be necessary.

* Repealed by Act XIII of 1871, which has been repealed by Act XVI of 1875, which has been repealed by Act XI of 1882, which again has been repealed by Act VIII of 1894.

† Acts XVI of 1875 and XI of 1869 have been repealed by Act XI of 1882, which has been repealed by Act VIII of 1894.

‡ Cf. Section 5 of Act VIII of 1894.

G. N. dated 23rd October 1872, published at p. 1114 and 1115 of the *B. G. G.* of 24th idem.

G. N. dated 11th January 1870, published at p. 19 of the *B. G. G.* of 13th idem.

§ Repealed by Act XVI of 1875, which has been repealed by Act XI of 1882, which has been repealed by Act VIII of 1894.

Section 9 of the A'bkári Act, 1878, provides that no liquor or intoxicating drug shall be imported by land or by sea into any part of the Presidency of Bombay "unless it is liable to the payment of duty under the Indian Tariff Act, 1875," saving the power of the Collector under the order of Government to allow such liquor, &c., to pass on payment of the A'bkári duties or on such other terms as he may see fit.

It follows, therefore, that "spirits and fermented liquors" passing from the above mentioned foreign territories may be dealt with under the A'bkári Act, 1878, and that the notifications being no longer in force need not be expressly cancelled.

So too, with regard to the third notification of the 11th January 1870 declaring the dominions of His Highness the Nizám to be foreign territory for the purposes of Act XI of 1869, as liquor and intoxicating drugs have not been declared in that notification liable to the duties specified in the Indian Tariff Act, 1875, when imported into British India they may be dealt with under the A'bkári Act, 1878.

(L. R. No. 617, dated 21st May 1881; *vide* G. R. No. 3224, dated 4th June 1881.)

*No. 314 published at p. 31 of the B. G. G. for 1892, Part I. No. 3885, published at p. 376 of the B. G. G. for 1892, Part I.

**11.** In exercise of the power conferred by Section 6 of Act XXIX of 1857 and in supersession of the notifications* mentioned in the margin, the Governor in Council is pleased to prescribe the undermentioned as the only routes by which goods will be allowed to pass into or out of the Portuguese possession of Goa and Daman respectively, namely :—

(1) Into or out of Goa :—

From or to the Ratnágiri and Belgaum Districts :

1. By the Bánda Náka.
2. By the Dodámárg Náka.

From or to the Belgaum District :

3. By the Kelghát.

From or to any part of British India by rail :

4. By the Castle Rock Náka on the Southern Marátha Railway.

From or to the Kánara District :

5. By the Digi Ghát.
6. By the Mazali Náka.

(2) Into or out of Daman :—

From or to the Surat District :

1. By the Kunta Náka.
2. By the Chála Náka.
3. By the Kolak Náka.

From or to the Thána District :

4. By the Patharpunja Náka.
5. By the Kalaipar Náka.

(G. Ns. Nos. 7644, dated 26th September 1892, and 8398, dated 25th October 1892.)

## XXI.—PORTS, PORT DUES AND PORT FUNDS.

**1.** Under the provisions of Act V of 1868, Section 2, the Governor of Bombay in Council, with the consent of the Governor General of India in Council, is hereby pleased to delegate to the Commissioner in Sind all the powers conferred on the Governor of Bombay in Council, as the Local Government of the Province of Sind, by the Indian* Ports Act, 1875.

(G. N. No. 2738, dated 26th May 1880.)

*Repealed Act X of 1889.

The word "document" as used in Section 2 (3) of the Indian Ports Act, X of 1889, is sufficiently wide in its meaning to include a notification, and therefore the above notification would be construed as referring, on the repeal of Act XII of 1875, to Act X of 1889. (L. R. No. 924, dated 29th July 1889; *vide* G. R. No. 5883, dated 13th August 1889.)

**2.** Port Officers referred to in Section 3 (2) of the Indian Ports Act, X of 1889, are also designated Marine Transport Officers, as they superintend the embarking and disembarking of troops, but they will not receive any addition to their salaries in consequence. (G. R. No. 129, dated 17th May 1893, Marine Department.)

**3.** In supersession of the notification published at page 754 of the *Bombay Government Gazette* dated 13th May 1858, it is hereby notified that, in pursuance of the provision contained in Section 5† of the Indian Ports Act, XII of 1875, His Excellency the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to extend specially the provisions of Sections‡ 38, 39, 40 and 41 of the said Act to the port of Karáchi.

†Cf. Sectio of the Ind Ports Act, of 1889.

‡Cf. Sectio 31, 32, Ibi

The limits of the port of Karáchi are, with the like sanction and subject to the rights referred to in Section 5 of Act XII of 1875, hereby declared under Section 6§ of the same Act to be the following :—

§Cf. Sectio 5, Ibid.

> From the extreme end of Manora Point to the end of breakwater, and from it in a line due east to the shore of Ghizri, and thence by high water mark up the Chini Creek and round the head of all the creeks in the eastern, northern and western parts of the harbour by Baba Point, and along the shore of Manora Spit to Manora Point.

(G. N. dated 17th October 1877.)

**4.** With the previous sanction of His Excellency the Governor General in Council His Excellency the Governor in Council is pleased, under the authority vested in him by Section 4 (*a*) of the Indian Ports Act, X of 1889, to extend the said Act to the ports of (1) Belikeri and (2) Manki. The limits of these ports are now declared to be as follows :—

> (1) *Belikeri.*—A line from Kodargudda Point to Belikeri Point and the coast banks, &c., within that line up to high water mark (spring tides)

(2) *Manki.*—A line due south from the west point of Manki dung hill for a mile and half, and thence due east to the shore, the coast within that line up to high water mark (spring tides).

Under Sections 33 and 37 of the same Act, His Excellency the Governor in Council is pleased to declare that the amount of port dues to be levied on vessels entering these ports, and the conditions under which such dues shall be levied shall be the same as are now applicable to, and in force in the ports forming the southern group of ports named in the first schedule of the Act.

(G. N. No. 9543, dated 18th December 1889.)

5. In exercise of the powers conferred by Section 6 of the Indian Ports Act, 1889,* His Excellency the Governor in Council is pleased to make the following rules to be observed in the ports named below :—

* X of 1889.

| | |
|---|---|
| Belápur. | Bánkot. |
| Morá. | Harnai. |
| Thal. | Anjanvel. |
| Mándva. | Jaygad. |
| Dharamtar. | Ratnágiri. |
| Nágothna | Jaytápur. |
| Karanja. | Viziádurg. |
| Revas. | Devgad. |
| Alibág. | Málvan. |
| Revdánda. | Vengurla. |

(1) No steamer touching at any of the aforesaid ports shall take in or discharge any passengers unless before beginning to do so, and during the whole time that she is doing so, there is exhibited at her fore or main mast, or in some other position in which it can most easily be distinguished, a signal as described below :—

(*a*) *Signal between sunrise and sunset*—

The Rendezvous Flag (blue and white chequers : letter N of the Commercial Code).

(*b*) *Signal between sunset and sunrise*—

A red light.

(2) Every such steamer shall anchor before exhibiting any signal required by Rule I, and shall remain anchored during the whole of the time that it is exhibited, unless the conditions of weather, tide, &c., should be such that the safety of the vessel or of boats approaching it would be thereby endangered.

(3) No boat shall ply, whether for hire or otherwise, in or from any of the ports specified, unless licensed for the purpose by the Collector of Salt Revenue or other officer authorized by him. Licenses shall be issued annually, and shall remain in force from the 1st October in one year to the 30th September of the year following, but shall be liable at the discretion of the Collector of Salt Revenue to suspension or revocation in case of any breach of these rules or other misconduct on the part of the licensee or his employés.

(4) The person in charge of every such boat plying for hire shall be provided by the licensee with a table of fares to be charged, signed by such licensee and by the chief officer of Customs at the port. Such table of fares shall be shown to any passenger on demand. Any attempt to extort fares in excess of those specified in the said table shall entail forfeiture of the license.

(5) Every license shall be in the form hereto annexed. It shall be issued to the owner of the boat or his recognized agent, and shall be kept on board when such boat is plying for hire.

(6) Every license shall specify the registered number of the boat, the port of registry, the name of the owner or agent, and the number of the crew. It shall further specify the number of passengers, and the weight of goods which such boat shall be entitled to carry. It shall also prescribe the number of masts, yards, sails, oars, boat-hooks, poles, fenders and other articles which shall constitute the equipment of the boat.

(7) In calculating the number of passengers, and the weight of goods which a boat shall be allowed to carry, two children, unless they are both in arms, shall be reckoned as equal to one adult, and two Indian maunds weight of goods shall be reckoned as equal to one adult. Children in arms shall not be reckoned.

(8) No boat shall under any circumstances ply, whether for hire or otherwise, without having on board the full crew and equipment named in the license: provided that if the boat is one propelled by sails as well as oars, it shall be optional to carry the sails, masts and yards.

(9) Every boat when actually plying, whether for hire or otherwise, under these rules between sunset and sunrise shall show a white light above the bows.

*(10) No boat plying, whether for hire or otherwise, under these rules shall in any case go alongside any coasting or ferry-steamer until such steamer shall have exhibited a signal, as described below, to signify that she is ready to receive and disembark passengers.

*Government Notification No.7939, dated 7th November 1890.

(a) *Signal between sunrise and sunset*—

The Rendezvous Flag (blue and white chequers: letter N of the Commercial Code) at the fore or main mast-head or other conspicuous position, or

(b) *Signal between sunset and sunrise.*

A red light in the position.

(11) Every license issued under these rules shall be shown on demand to any Customs officer or to any passenger on board the boat in respect of which it has been issued.

(12) No such license shall be transferable except with the permission of the Collector of Salt

Revenue, and no fee shall be payable in respect of any such license.

*Form of License.*

Port—

No. of boat—

Names of owners—

Name of agent—

No. of crew—

Equipment—

License to carry passen ers or maunds weight of goods.

This license is issued under the rules published by Government at page 176 of Part I of the *Bombay Government Gazette* for 1890 under Section 6 of the Indian Ports Act (X of 1889). It is not transferable except with the permission of the Collector of Salt Revenue, and is liable at the discretion of that officer to suspension or revocation in case of any breach of the rules or other misconduct on the part of the licensee or his employés. (G. Ns. Nos. 1735, dated 5th March 1890, and 7929, dated 7th November 1890.)

**6.** The number of passengers which the boats plying between the steamer and the shore are entitled to carry as fixed under No. 6 of the above rules, should be marked conspicuously on each boat. The weight of luggage which such boats may carry should also be marked in the same way on each boat. (G. R. No. 3257, dated 5th May 1893.)

**7.** In exercise of the power conferred by sub-section (1) of Section 6 of the Indian Ports Act (X of 1889), the Governor in Council is pleased to make the following rules in respect of native vessels in the port of Bombay which, under Section 31 (3) of that Act, are not brought into the port by pilots, viz. :—

1. In these rules, unless where the contrary appears from the context, "vessel" means a native vessel such as aforesaid, and "anchorage" means an anchorage at which it is for the time being directed by the Chief Customs Authority under Section 17 of the Sea Customs Act, 1878, that such vessels shall anchor.

2. All the cargo of a vessel which is bound, on arrival, to anchor at the dutiable anchorage, shall be discharged at that anchorage, except

(*a*) cargo for transhipment overside to a vessel which is not a vessel to which these rules apply ;

(*b*) when the vessel has come from Customs ports only, and all the dutiable and restricted cargo has been accounted for, any free and unrestricted cargo which she carries ;

(*c*) laddi-stones, firewood, fresh fruit, and heavy packages.

3. A vessel which has come from Customs ports only may discharge any free and unrestrict-

ed cargo which she carries, after having accounted for her dutiable and restricted cargo, if any, at any anchorage or at any wharf where the same may lawfully be landed.

4. (1) All goods for shipment on a vessel which has obtained entry outwards for a foreign port or which has any dutiable or restricted goods on board, and all dutiable and restricted goods for shipment on any vessel, shall be shipped at the receiving line of the dutiable anchorage, except

(*a*) goods transhipped overside from another vessel ;

(*b*) heavy packages.

(2) Goods transhipped overside from another vessel shall be received at the receiving line of the dutiable anchorage, if the discharging vessel is a vessel to which these rules apply; in any other case, the receiving vessel shall return to the dutiable anchorage as soon as the transhipment is completed.

5. Free and unrestricted goods may be received by a vessel which has obtained entry outwards for Customs ports only and which has no dutiable or restricted goods on board at any anchorage or at any wharf where the same may lawfully be water-borne.

6. No vessel shall move from the line of anchorage or wharf at which she is anchored without the permission of the preventive officer in charge of such anchorage or wharf.

7. Such permission may be given orally by the preventive officer to the master of a vessel if it is required for any of the following purposes, viz. :

(*a*) to leave the port, if the vessel has obtained port clearance;

(*b*) to proceed to another line of anchorage or wharf in order to receive or discharge cargo in accordance with these rules;

(*c*) to perform direct transhipment in accordance with these rules;

(*d*) to go on to the hard for cleaning or repairing, if the vessel is empty.

8. Such permission shall not be given by the preventive officer, without an order from the Superintendent of the Preventive Service, if it is required for any of the following purposes, viz. :

(*a*) to go and anchor off the Government Dockyard to be measured by the Port authorities;

(*b*) to go on to the hard for cleaning or repairs, if the vessel is partly laden ;

(*c*) to proceed to another line of anchorage or wharf in any case not provided for in the preceding rules.

(G. N. No. 6615, dated 17th August 1892.)

8. In exercise of the powers conferred by Section 6 of the Indian Ports Act, 1889, His Excellency the Governor in Council is pleased to make the following rules to be observed in the port of Panvel, the limits whereof have been defined by the Government notification published at pages 423 to 429 of the *Bombay Government Gazette*, Part I of 1867:—

*Rules.*

1. No steamer touching at the port of Panvel shall take in or discharge any passenger unless before beginning to do so, and during the whole time that she is doing so, there is exhibited at her fore or main mast, or in some other position in which it can most easily be distinguished, a signal as described below:

(*a*) *Signal between sunrise and sunset.*

The Rendezvous Flag (blue and white chequers: letter N of the Commercial Code).

(*b*) *Signal between sunset and sunrise.*

A red light.

2. Every such steamer shall anchor before exhibiting any signal required by Rule 1, and shall remain anchored during the whole of the time that it is exhibited, unless the conditions of weather, tide, &c., should be such that the safety of the vessel or of boats approaching it would be thereby endangered.

3. No boat shall ply, whether for hire or otherwise, in or from the said port unless licensed for the purpose by the Collector of Salt Revenue or other officer authorized by him. Licenses shall be issued annually and shall remain in force from the 1st October in one year to the 30th September of the year following, but shall be liable at the discretion of the Collector of Salt Revenue to suspension or revocation in case of any breach of these rules or other misconduct on the part of the licensee or his employés.

4. The person in charge of every such boat plying for hire shall be provided by the licensee with a table of fares to be charged, signed by such licensee and by the chief Officer of Customs at the port. Such table of fares shall be shown to any passenger on demand. Any attempt to extort fares in excess of those specified in the said table shall entail forfeiture of the license.

5. Every license shall be in the form hereto annexed. It shall be issued to the owner of the boat or his recognized agent, and shall be kept on board when such boat is plying for hire.

6. Every license shall specify the registered number of the boat, the port of registry, the name of the owner or agent, and the number of the crew. It shall further specify the number of passengers and the weight of goods which such boat shall be entitled to carry. It shall also prescribe the number of masts, yards, sails, oars,

boat-hooks, poles, fenders and other articles which shall constitute the equipment of the boat.

7. In calculating the number of passengers and the weight of goods which a boat shall be allowed to carry, two children, unless they are both in arms, shall be reckoned as equal to one adult, and two Indian maunds weight of goods shall be reckoned as equal to one adult. Children in arms shall not be reckoned.

8. No boat shall under any circumstances ply, whether for hire or otherwise, without having on board the full crew and equipment named in the license: provided that if the boat is one propelled by sails as well as oars, it shall be optional to carry the sails, masts and yards.

9. Every boat, when actually plying, whether for hire or otherwise, under these rules between sunset and sunrise, shall show a white light above the bows.

10. No boat plying, whether for hire or otherwise, under these rules shall in any case go alongside any coasting or ferry steamer until such steamer shall have exhibited a signal, as described below, to signify that she is ready to receive and disembark passengers.

(*a*) *Signal between sunrise and sunset.*

The Rendezvous Flag (blue and white chequers: letter N of the Commercial Code) at the fore or main mast head or other conspicuous position, or

(*b*) *Signal between sunset and sunrise.*

A red light in the same position.

11. Every license issued under these rules shall be shown on demand to any Customs officer or to any passenger on board the boat in respect of which it has been issued.

12. No such license shall be transferable except with the permission of the Collector of Salt Revenue, and no fee shall be payable in respect of any such license.

*Form of License.*

Port—

No. of boat—

Names of owners—

Name of agent—

No. of crew—

Equipment—

Licensed to carry passengers or maunds weight of goods.

This license is issued under the rules published by Government at page of Part I of the *Bombay Government Gazette* for 189 under Section 6 of the Indian Ports Act (X of 1889). It is not transferable except with the permission of the Collector of Salt Revenue, and is liable at the discretion of that officer to suspension or

revocation in case of any breach of the rules or other misconduct on the part of the license or his employés.

(G. N. No. 3202, dated 3rd May 1893.*)

**9.** In exercise of the power conferred by Section 6, clause (*p*) of the Indian Ports Act, X of 1889, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to make the following rules for the medical inspection of vessels and to publish them for general information :—

I.—The Master of every vessel in or entering port on board of which there is or has been during the voyage from which she is arriving or has last arrived, either among the passengers or crew any case of cholera, small-pox, or other epidemic disease common in India, or of measles or scarlatina, or if two or more deaths from unknown or suspicious causes have occurred on the voyage, shall report such case or cases at the earliest possible moment to the Health Officer of the Port, unless it shall appear that notice has already been received by that officer through the Pilot or by signal or otherwise as provided for by Rule II.

II.—If the vessel is coming into port the Master shall report such case or cases to the Pilot or other boarding officer at the earliest opportunity, or if she be not boarded or is already at anchor within port limits shall hoist a signal which shall be during the day the Flag R of the Commercial Code at the main and during the night 3 lights, viz. red, white and red one above the other at the same place and shall also verbally by an officer or in writing inform the officer in charge of the Police Hulk. If the vessel be in Dock, the report should be made at the Dock Master's Office.

It shall be the duty of Pilot or other officer to whom any such report is made to communicate the same directly to the Health Officer of the Port. The Port Officer or Officer in charge of the Police Hulk in any case of which he has received information from a Pilot or other officer, or by signal, and the Officer in charge at the Dock Master's Office in any case reported there, shall forthwith communicate the information to the Health Officer of the Port and shall inform the Master of his having done so.

Pending the arrival of the Health Officer the Master should act as laid down in Rules V and VI.

III.—The Health Officer, as early as possible after receipt of any report of the nature contem-

* For rules made by the Commissioner in Sind under Section 6 (1) of the Ports Act, 1889, for the port of Karáchi, *vide* that officer's notifications Nos. 1061, dated 11th July 1891, 1299, dated 18th July 1892, 1354, dated 27th July 1892, and 373, dated 15th February 1893, published in the *Sind Official Gazette*.

For the Aden Port Rules *vide* Government Notification, Marine Department, No. 55, dated 2nd May 1893.

plated in Rules I and II, shall inspect the vessel, more especially with reference to its sanitary condition; shall enquire into the circumstances attending the case or cases of the said disease; and shall with the assistance of the Police and Municipal authorities arrange for the conveyance of all persons suffering from such disease to a hospital, unless the sick person or his friends can make adequate provision elsewhere, and for the separation and disinfection or destruction of any infected bedding, clothes, or cargo.

IV.—Provided that no onward bound passengers shall be removed from the vessel and no cargo or property shall be destroyed, otherwise than with the consent of the Master of the vessel or of the owner except under the clearest necessity—and of every such case a special report explaining the reasons for the action taken must be submitted to Government.

V.—No vessel coming under Rule I shall enter Dock without the permission of the Health Officer of the Port. But where the disease or diseases in question are limited to one or two cases, she shall not be prohibited from proceeding to or remaining at the usual place of anchorage in the harbour, nor as a rule need the passengers or crew be detained on board pending the inspection of the Health Officer. But the Master of the vessel shall be held responsible that all suitable precautions are taken to prevent the spread of the disease, and that no passenger suspected of having such disease is allowed to depart, and no bedding, cargo, or other article which has been tainted by the discharges of, or by contact with persons suffering from such disease is landed before the inspection.

VI.—Where cases have been more numerous than one or two, or when from their occurring on Pilgrim or Emigrant ships or for other special reasons further precautions may be deemed advisable, the vessel shall proceed or be removed as soon as possible to the anchorage appointed for the purpose, and none of the passengers or crew shall be allowed to leave, nor in the case of undecked vessels shall any cargo be disturbed until the Health Officer has made his inspection and has taken such measures as he considers necessary.

VII.—Vessels coming under the last rule shall remain at the appointed anchorage and shall fly the flag Q by day at the main and by night exhibit two red lights one above the other at the main till they have been thoroughly cleansed and fumigated, all other precautions considered necessary by the Health Officer have been taken and permission has been given by him for them to proceed on their voyage or to the usual place of anchorage Provided that all of the passengers and crew who on inspection by the Health Officer are found healthy may be allowed to leave at once under such precautions as he may consider necessary, the

Health Officer of the Municipality being warned of the action taken.

In the case of small-pox it shall be the duty of the Health Officer of the Port to cause to be vaccinated all those on board who appear to require this protection and who are willing to accept it.

VIII.—No person dying of any infectious disease of the nature contemplated in these or in the Quarantine Rules shall be buried by sea burial within 10 miles of the port. Persons dying of such disease in port shall be burnt or, where burning is impossible, buried on shore. Bodies may be given to the relations or friends of the deceased for disposal, the Health Officers of the Port and Municipality and the Police being informed. The latter shall take steps to see that the burning or burying is carried out without undue delay and that proper precautions are taken against the spread of the disease.

In the absence of friends or relations the expense of disposing the corpse must be borne by the Master or owner of the vesssel, who will be held responsible that the requirements of this rule are attended to. In the case of infectious diseases in an epidemic form occurring among the Shipping and Native Craft, they will be removed to the appointed anchorage under arrangements to be made by the Port Officer and the corpses either buried or burned on shore under special arrangements to be made by the Water Police.

IX.—All officers of Customs, Port Trust, Water and Dock Police, the Executive Health Officer of the Municipality and the Resident Surgeons of Public Hospitals should immediately communicate to the Heath Officer of the Port information of any case of infectious disease among the shipping, on the foreshore, or in places frequented by seamen that may come to their notice.

(G. N. No. 3873, dated 18th September 1889, G. R., G. D., No. 4106, dated 2nd October 1889, and G. R., G. D., No. 175, dated 17th January 1893.)

**10.** The following Rules for the port of Karáchi are made under the provisions of Act X of 1889, "The Indian Ports Act" :—

*Section* 6 (*a*).

**Entering or leaving Port.**

1. All sea-going vessels on entering or leaving the port shall fly their national flag, and when entering port each vessel shall show her number.

2. No sea-going vessel shall leave the port at any time between sunset and sunrise, or on a Sunday, New Year's Day, Good Friday, Queen's Birthday, or Christmas Day, unless the Conservator shall be satisfied that there are sufficient reasons why the vessel should be allowed to leave at such time, or on such day, and then only upon payment of an extra fee of Rs. 15.

3. Tindals of all foreign or coasting craft shall report their arrival at, and departure from, any of the authorized landing-places, to the officer appointed by the Trustees of the port of Karáchi for the collection of fees at the Wharfage Office.

*Section* 6 (*b*).

**Berths of Vessels.**

4. All vessels within the port shall take up such berths as may be assigned them by the Conservator, and shall change their berth, or remove, when required by him.

*Section* 6 (*c*).

**Striking Yards and Masts.**

5. All vessels within the port shall have their flying jib-booms rigged in, and shall, if ordered by the Conservator, rig in their jib and driver-booms, top up, or strike yards or masts.

*Section* 6 (*d.*)

**Regulation of Boats, removal, and placing of anchors, &c.**

6. Not more than two tiers of cargo-boats or lighters shall be permitted to hang alongside or astern of vessels at moorings, nor shall anchors be cock-billed or spars be allowed to hang alongside or astern.

*Section* 6 (*e*).

**Regulations for loading and discharging alongside a wharf.**

7. No cargo shall be discharged from a vessel alongside any wharf, except under the superintendence on board of such vessel of the Master or other qualified officer of such vessel, or of a licensed Stevedore or Muccadum. Such Master or other qualified officer, Stevedore or Muccadum shall see to and be personally responsible for the proper slinging of cargo on board of such vessel when discharging, and shall see that the crane chain is not taken out of the square of the hatchway, and that the hook or cargo in slings does not catch the combings or jam under: and who shall also superintend the taking off and putting on of the beams and hatches, and shall see that the men keep out of danger on deck and do not stand under the hoist.

8. Masters or other qualified officers of vessels and the Stevedores or Muccadums who may be employed on such vessel, shall see and be responsible that loads exceeding the weight marked on each crane are not hoisted by such crane.

*Section* 6 (*f*).

**Keeping free passages.**

9. Free passage is to be kept at all piers, jetties, wharves, landing-place, docks and moorings, and all vessels and boats shall move when required to clear such passage.

10. The owner or Tindal of any foreign or native craft or boat obstructing the approach to any wharf jetty or landing-place by remaining alongside when ordered to remove by the Conservator or other officer appointed by the Trustees of the port of Karáchi, shall be liable to the penalty prescribed in Section 8 (2) of Act X of 1889, if he does not move when required to do so by the Port Officer or other officer appointed by the Trustees of the Port of Karáchi.

*Section* 6 (*g*).

**Anchoring and Mooring.**

11. All vessels within the ports shall moor or unmoor according to the orders of the Conservator, and shall keep clear hawse, and when a vessel has taken up her anchorage, the anchor shall not be raised without the permission of the Conservator.

12. All vessels approaching the wharf shall have in readiness and supply for use such (steel-wire or other) hawsers as may be required, also guy-lines of at least 30 fathoms in length for each bow and quarter, and such other ropes, lines and fenders, &c., as may be necessary to facilitate and protect the vessel from injury whilst hauling alongside or off the wharf.

*Section* 6 (*h*).

**Moving or Warping.**

13. All vessels within the port shall be moved or warped from place to place, as required by the Conservator.

14. The Conservator will, if he sees no objection, grant permission for any vessel to be moved from one mooring or anchorage to another, on a written application being made to him to that effect.

*Section* 6 (*i*).

**Use of Mooring Buoys.**

15. No vessel shall use any of the Port Trust moorings, fixed or swinging, without the permission of the Conservator.

16. Steam-vessels occupying moorings shall not turn their screws or paddles, without giving sufficient warning of the intention to boats in the vicinity; they shall not put full-power on when trying their engines at the moorings, nor shall any trial under steam be permitted so long as a vessel is lying at the wharves.

*Section* 6 (*j*).

**Rates for the use of Moorings.**

17. For the use of moorings belonging to Government, such rates shall be paid as may be from time to time fixed by the Conservator, with the previous sanction of the Commissioner in Sind.

*Section* 6 (*k*).

**Regulations for Boat Traffic.**

18. Only cargo and passenger boats which have been duly licensed will be allowed to ply for hire in the port.

19. No passenger boat shall carry a greater number of passengers than that shown in the license.

20. Passenger boats waiting for hire shall lay at a distance of not less than 15 yards from any authorized landing-place, unless when actually taking in or discharging passengers.

21. The license of any passenger boat obstructing any landing-pace will be suspended or cancelled at the discretion of the Port Officer.

22. The Port Officer may suspend or cancel the license of any boat which he may consider is not provided with suitable gear.

23. All passenger boats shall be manned as follows:—

1st and 2nd class boats with a crew of 4 men.
3rd class boats „ of 3 men.

24. No passenger boat shall be secured to any steps.

24 (*a*). Boats, when under weigh, shall observe the rule of the road at sea enacted by Her Majesty's Order in Council, dated 27*th November 1896*.

"*Vide Sind Official Gazette*, dated 31st December 1896, at page 722."

"*Vide Sind Official Gazette*, dated 25th November 1897, at page 646."

24 (*b*). When two boats, one being propelled by sails and the other by oars, are proceeding on a course which, if continued, will involve the risk of collision, the boat propelled by oars shall keep out of the way of the other, but the boat under sail shall use every precaution to avoid accident, and, if necessary, shall alter its course.

"*Vide Sind Official Gazette*, dated 31st December 1896, at page 722."

25. Tugs, launches, or other boats propelled by steam, when not towing, shall keep out of the way of all other boats.

*Section* 6 (*l*).

**Regulation for the use of Lights.**

26. The Masters of vessels shall be responsible that sufficient and properly protected lights are provided in those parts of the ship where work is going on, *and no fires shall be lighted or maintained unless duly protected, and one or more of the crew be placed in charge of the same.*

"Amended: *vide Sind Official Gazette*, dated 21st July 1892, at page 55."

27. All vessels of whatever rig or denomination, within the limits of the port, shall, between sunset and sunrise, exhibit the lights prescribed in Her Majesty's Order in Council, dated 27th November 1896.

27 (*a*). Vessels, when moored in the stream or berthed or secured at any of the authorized landing places, shall exhibit the lights prescribed in Article II of the said Order, which are to be not less than 8 inches in diameter.

Exception.

27 (*b*). Cargo-boats and barges from 20 to 100 tons may, in lieu of the lights prescribed for such vessels when under way, exhibit the lights prescribed for vessels under 20 tons in Article 7 (3) of the said Order, *viz.*, a lantern with green glass on one side, and a red glass on the other; while any vessel when berthed or secured in not more than three tiers at the Native Jetty or Napier Mole Boat Wharf, or laid up on fore shores for shelter, &c., or moored inside the various piers at Manora, need not exhibit the light required by Rule 27 (*a*).

*Section* 6 (*n.*)

**Regulation as to number of Crew.**

"Amended: *vide Sind Official Gazette*, dated 21st July 1892, at page 55."

28. All vessels when afloat within the port shall have on board a sufficient number of the crew to perform any duty which may become necessary for the safety of the vessel *and for moving or shifting the vessel*, veering or heaving in cable, bracing up the yards, striking masts and yards, on any emergency arising.

*Section* 6 (*o*).

**Cleaning or Painting Vessels.**

29. The Masters of all vessels in port shall take such precautions, when men are engaged in painting or cleaning their vessels, as the Port Officer may direct, and the Admiralty Regulations shall be observed by Masters of all vessels when men are working in the bilges, boilers, or double bottoms of vessels in the port.

*Section* 6 (*p*).

**Regulation as to disease, sickness, or death on board a Vessel.**

30. The Master of every vessel in or entering port, on board of which there is, or has been, during the voyage from which she is arriving, or has last arrived, either among the passengers or crew, any case of cholera, small-pox, or other epidemic disease common in India, or of measles or scarlatina, or, if two or more deaths from unknown or suspicious causes have occurred on the voyage, shall report such case or cases at the earliest possible moment to to Health Officer of the Port, unless it shall appear that notice has already been received by that officer through the Pilot, or by signal, or otherwise as provided for by Rule 31.

31. If the vessel is coming into port, the Master shall report such case or cases to the Pilot or other boarding officer at the earliest opportunity, or, if she be not boarded or is already at anchor within port limits, shall hoist a signal, which shall be during the day the Flag R of the Commercial Code at the main, and during the night *three lights*, viz., *red, white and red*, one above the other, at the same place, and shall also verbally by an officer or in writing inform the officer in charge of the Police Hulk. If the vessel be in dock, the report should be made at the Dock Master's Office.

"Amended: *vide Sind Official Gazette*, dated 16th February 1892, at page 135."

It shall be the duty of the Pilot or other officer to whom any such report is made, to communicate the same directly to the Health Officer of the Port. The Port Officer or officer in charge of the Police Hulk, in any case of which he has received information from a Pilot or other officer, or by signal, and the officer in charge at the Dock Master's Office, in any case reported there, shall forthwith communicate the information to the Health Officer of the Port, and shall inform the Master of his having done so.

Pending the arrival of the Health Officer, the Master should act as laid down in Rules 34 and 35.

32. The Health Officer, as early as possible, after receipt of any report of the nature contemplated in Rules 30 and 31, shall inspect the vessel, more especially with reference to its sanitary condition; shall enquire into the circumstances attending the case or cases of the said disease; and shall, with the assistance of the Police and Municipal authorities, arrange for the conveyance of all persons suffering from such disease to a hospital, unless the sick person or his friends can make adequate provision elsewhere, and for the separation and disinfection, or destruction of any infected bedding, clothes, or cargo.

33. Provided that no onward bound passengers shall be removed from the vessel, and no cargo or property shall be destroyed, otherwise than with the consent of the Master of the vessel or the owner, except under the clearest necessity: and of every such case a special report, explaining the reasons for the action taken, must be submitted to Government.

34. No vessel coming under Rule 30 shall enter dock without the permission of the Health Officer of the Port. But where the disease or diseases in question are limited to one or two cases, she shall not be prohibited from proceeding to or remaining at the usual place of anchorage in the harbour, nor as a rule need the passengers or crew be detained on board pending the inspection of the Health Officer. But the Master of the vessel shall be held responsible that all suitable precautions are taken to prevent the spread of the disease, and that no passenger suspected of having such disease is

allowed to depart, and no bedding, cargo, or other article which has been tainted by the discharges of, or by contact with, persons suffering from such disease is landed before the inspection.

35. Where cases have been more numerous than one or two, or when from their occurring on Pilgrim or Emigrant Ships, or for other special reasons further precautions may be deemed advisable, the vessel shall proceed or be removed as soon as possible to the anchorage appointed for the purpose, and none of the passengers or crew shall be allowed to leave, nor, in the case of undecked vessels, shall any cargo be disturbed, until the Health Officer has made his inspection, and has taken such measures as he considers necessary.

36. Vessels coming under the last rule shall remain at the appointed anchorage, and shall fly the Flag Q by day at the main, and by night exhibit *two red lights*, one above the other, at the main till they have been thoroughly cleansed and fumigated, all other precautions considered necessary by the Health Officer have been taken, and permission has been given by him for them to proceed on their voyage, or to the usual place of anchorage. Provided that all of the passengers and crew who, on inspection by the Health Officer, are found healthy may be allowed to leave at once under such precautions as he may consider necessary, the Health Officer of the Municipality being warned of the action taken.

In the case of small-pox, it shall be the duty of the Health Officer of the Port to cause to be vaccinated all those on board who appear to require this protection, and who are willing to accept it.

37. No person dying of any infectious disease of the nature contemplated in these or in the Quarantine rules shall be buried by sea burial within 10 miles of the port. Persons dying of the such disease in port shall be burnt, or, where burning is impossible, buried on shore. Bodies may be given to the relations or friends of the deceased for disposal, the Health Officer of the Port and Municipality and the Police being informed. The latter shall take steps to see that the burning or burying is carried out without undue delay, and that proper precautions are taken against the spread of the disease.

In the absence of friends or relations, the expense of disposing of the corpse must be borne by the Master or owner of the vessel, who will be held responsible that the requirements of this rule are attended to. In the case of infectious diseases in an epidemic form occurring among the Shipping and Native Craft, they will be removed to the appointed anchorage under arrangements to be made by the Port Officer, and the corpses either buried or burned on shore under special arrangements to be made by the Water Police.

38. All Officers of Customs, Port Trust, Water and Dock Police, the Executive Health Officer of the Municipality, and the Resident Surgeon of

Public Hospitals, should immediately communicate to the Health Officer of the Port information of any case of infectious disease among the shipping, on the foreshore, or in places frequented by seamen that may come to their notice.

(Notifications of the Commissioner in Sind, No. 1061, dated 11th July 1891, and No. 5052, dated 8th November 1898.)

**11.** His Excellency the Governor in Council is pleased to declare under clause (*b*)* of Section 8 of the Indian Ports Act, 1875, that the Conservator of the Port of Aden is subject to the control of the Political Resident. (G. N. dated 23rd December 1876; *vide* G. R. No. 7560 of the same date.)

* Cf. Section 7 (4) of the Indian Ports Act, 1889.

**12** In supersession of his Notification No. 715, dated 1st June 1888, published at page 566 of the *Sind Official Gazette* of the 7th idem, issued under Section 8 of Act XII of 1875 (now Section 7 (1) of the Indian Ports Act, X of 1889), the Commissioner in Sind, in exercise of the powers delegated to him by Notification No. 2738, dated 26th May 1880, hereby appoints the Trustees of the port of Karáchi as constituted under Bombay Act VI of 1886 (The Karáchi Port Trust Act) to be the Conservators of the port of Karáchi under Section 7 (1) of Act X of 1889. (Notification of the Commissioner in Sind, No. 1424, dated 27th June 1894.)

**13.** His Excellency the Governor in Council is hereby pleased to direct that, for the purposes of Section 18† of the Indian Ports Act, 1889, all officers in charge of Customs Houses, under the control of the Collector of Salt Revenue, shall be Assistants to the Conservator of each of the ports, within their respective ranges, to which the said Act now is, or may hereafter at any time become applicable. (G. N. No. 789, dated 13th February 1878.)

†Cf. Section 68 of Act X of 1889.

**14.** The Collector of Salt Revenue is also Conservator of the port of Kárwár and is vested with the control of the Port Funds, and the Collector of Kánara should abstain from any interference with the port establishment at that place. (G. R. No. 3139, dated 21st June 1878.)

**15.** In exercise of the power conferred by Section 8‡ of Act XII of 1875 (The Indian Ports Act, 1875), and in supersession of all previous notifications on the same subject, the Governor of Bombay in Council is pleased to appoint the Commissioner of Customs, and the Collector of Salt Revenue acting in subordination to such Commissioner, to be the intermediate authorities to whose control the Conservators at all ports throughout the Bombay Presidency, except the ports of Bombay and Aden and the ports in Sind, shall be subject.

‡Cf. Section 7 of the Indian Ports Act, 1889.

The Governor of Bombay in Council is pleased further to invest the Commissioner of Customs with chief control over the Port Fund receipts and expenditure of the ports aforesaid. (G. N. No. 6512-C., dated 20th September 1882.)

*Cf. Section 33 of the Indian Ports Act, 1889.

**16.** His Excellency the Governor in Council is pleased, under the provisions of Section 45* of Act XII of 1875 (The Indian Ports Act), to fix the port dues payable by all vessels (except fishing boats) entering any port of the Northern Group specified in the first schedule annexed to the said Act, at three annas per ton for all sea-going vessels of 10 tons burden and upwards, except coasting steamers, and at four annas and six pies per ton for coasting steamers. These rates will come into force on the expiration of sixty days from the date of the publication of this notification in the *Bombay Government Gazette.* (G. N. No. 464, dated 27th January 1880.)

**17.** In exercise of the power conferred by sub-section (1) of Section 33 of the Indian Ports Act, X of 1889, the Governor in Council is pleased to direct that port dues at the following rates should be levied on vessels of the following descriptions, respectively entering any of the southern group of ports in the Bombay Presidency specified in the first column of Part III of the first schedule annexed to the said Act, *viz.*—

Coasting steamers, four and a half annas per ton;

Other sea-going vessels of ten tons and upwards (excepting fishing boats), three annas per ton.

Under sub-section (4) of the said section, this order will come into force on the expiration of sixty days from the date of the publication thereof in the *Bombay Government Gazette.*

(G. N. No. 8234, dated 17th October 1892.)

**18.** In the case of vessels employed for the service of Government, no special exemption should be provided for in any charter party in regard to payment of port dues or pilotage or other fees. (G. I., H. D., No. 2722, dated 4th December 1860; *vide* G. M. No. 4732, dated 19th idem, and G. N., dated 3rd October 1862, printed at page 857 of the *B. G. G.* of 9th idem.)

**19.** Vessels merely anchoring on their voyages up and down the coast waiting for a change of wind, if they do not remain more than 24 hours in any of the ports and do not discharge or take in cargo, should not be called upon to pay the port dues. (G. R. No. 4215, dated 28th September 1861.)

**20.** The Customs Authorities at Alibág should allow vessels belonging to the Naváb of Janjíra to pass without payment of port dues. (G. R. No. 6529, dated 26th December 1871.)

**21.** Trinity vessels entering the port of Bombay are exempt from the payment of port dues and the taking out of port clearance. (G. R. No. 275, dated 18th January 1878.)

**22.** In exercise of the powers of a Local Government delegated to him by Government Notifica-

tion No. 2738, dated 26th May 1880, and with reference to Section 45 of the Indian Ports Act of 1875 (now Section 33 (1) of the Indian Ports Act X of 1889), the Commissioner in Sind directs that from and after the first day of September 1885, the port dues leviable under the provisions of the said Act in the port of Karáchi on all vessels chargeable therewith shall be three annas per ton, in supersession of the rates fixed by notification dated 9th March 1878 (Commissioner in Sind's notification No. 1409, dated 15th August 1885.)

**23.** In supersession of his Notification No. 564, dated 15th March 1881, issued under Section 48 of Act XII of 1875 (now Section 36 (1) of the Indian Ports Act X of 1889) published at page 207 of the *Sind Official Gazette* of the 17th idem, the Commissioner in Sind, in exercise of the powers delegated to him by Notification No. 2738, dated 26th May 1880, appoints the Trustees of the port of Karáchi as constituted under Bombay Act VI of 1886 (The Karáchi Port Trust Act) to receive the dues, fees and other charges authorized to be taken under the Act, and expend the same on any of the objects authorized by Act X of 1889. (Commissioner in Sind's Notification No. 1423, dated 27th June 1894.)

**24.** In exercise of the powers conferred on him by Government Notification No. 2738, dated 26th May 1880, the Commissioner in Sind is pleased to sanction the following rates of port dues chargeable under Sections 46 and 47 of the Indian Ports Act, X of 1889 :—

*Section 46.*—Vessels entering the port of Karáchi in ballast and not carrying passengers shall be charged with a port due at three-fourths of the rate fixed by Notification No. 1409, dated 15th August 1885, published at page 193 of the *Sind Official Gazette* of the 20th idem, *viz.*, $2\frac{1}{4}$ annas per registered ton.

*Section 47.*—Vessels entering the port of Karáchi which do not discharge or take in any cargo or passengers therein (with the exception of such unshipment and reshipment as may be necessary for purpose of repair) shall be charged with a port due at half the rate fixed by Notification No. 1409, dated 15th August 1885, *viz.*, one anna and a half per registered ton. (Notification of the Commissioner in Sind, No. 1941, dated 27th November 1889.)

**25.** With reference to Section VI* of Act VIII of 1858, it is hereby notified that measuring fees on native craft of all denominations will be levied at the port of Karáchi at the following rates, that is to say—

**Vide* Section 85 of Act X of 1889.

| | Rs. |
|---|---|
| On native craft exceeding (4) four Bombay khandis or (1) one ton, and not exceeding (20) twenty Bombay khandis or (5) five tons ... ... ... ... ... | 3 |

| | Rs. |
|---|---|
| On native craft exceeding (20) twenty Bombay khandis or (5) five tons, and not exceeding (40) forty Bombay khandis or ten tons ... ... ... ... ... | 6 |
| On native craft exceeding (40) forty Bombay khandis or (10) ten tons, and not exceeding (200) two hundred Bombay khandis or (50) fifty tons ... ... ... | 10 |
| On native craft exceeding (200) two hundred Bombay khandis or (50) fifty tons, and not exceeding (400) four hundred Bombay khandis or (100) one hundred tons ... | 20 |
| On native craft exceeding (400) four hundred Bombay khandis or (100) one hundred tons and upwards ... ... ... | 30 |

(G. N. dated 5th May 1863; *vide* G. R. No. 1428, of the same date.)

**26.** In exercise of the power conferred by Section 3 of Act XIV of 1874 (The Scheduled Districts Act 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the President in Council, to declare that—

(*a*) The enactments mentioned in Schedule A hereto annexed are in force in the Province of Sind to the extent to which they are in force in any part of the Presidency of Bombay not included in any Scheduled District.

* * * *

Bombay Act XIX of 1838, relating to coasting, fishing and harbour vessels.

* * * *

(Notification No. 1254, dated 13th November 1880.)

**27.** In exercise of the powers conferred by Section 6 of Act XIX of 1838 (Bombay Coasting Vessels), His Excellency the Governor in Council is pleased to appoint the Port Officer, Karáchi, to perform the duty of making or branding and ascertaining the burthen of fishing vessels and harbour craft at Karáchi. (Bombay Government Notification No. 5, dated 15th January 1896, Marine Department, as amended.)

**28.** The following amended notification is published in supersession of notification dated 9th December 1859:—

Measuring fees leviable under the provisions of Act XXXI† of 1857 are applicable to boats or vessels of every description whether harbour craft, coasting or sea-going craft, European or native, of whatever rig or denomination, registered under any law for the time being in force with respect to such registration, and will be levied at the following rates, that is to say—

† *Vide* Section 35 of Act X of 1889.

| | Rs. |
|---|---|
| On every craft exceeding (4) four Bombay khandis or (1) one ton and not exceeding (20) twenty Bombay khandis or (5) tons . | 3 |
| On every craft exceeding (20) twenty Bombay khandis or (5) tons and not exceeding (40) forty Bombay khandis or (10) tons ... | 6 |

| | Rs. |
|---|---|
| On every craft exceeding (40) forty Bombay khandis or (10) ten tons and not exceeding (200) two hundred Bombay khandis or (50) fifty tons ... ... ... .. | 10 |
| On every craft exceeding (200) two hundred Bombay khandis or (50) fifty tons and not exceeding (400) four hundred Bombay khandis or (100) one hundred tons ... | 20 |
| On every craft exceeding (400) four hundred Bombay khandis or (100) one hundred tons and upwards ... ... ... ... | 30 |

(G. N. dated 23rd November 1866.)

**29.** The Commissioner of Customs is authorized to sanction on his own authority charges on the several Port Funds for the maintenance of lights and to spend out of these funds up to Rs. 10,000 on any one work. (G. R. 4659, dated 14th November 1865.)

**30.** The expenditure incurred both by the Civil and Public Works Departments debitable to Port Funds being duly provided for in the budget prepared by the Collector of Salt Revenue and charges only to the extent of the sums so provided being admitted by the Accountant General, the Collector is aware generally of the expenditure which is incurred. The Accountant General should as credits and debits are passed against the various heads inform the Collector* under what heads and to what amounts they are passed. (G. R. No. 5338, dated 1st September 1877.)

## XXII.—LIGHT DUES.

**1.** The light due payable in respect of the Little Basses Rock Light-ship shall become due and shall be payable in respect of outward-bound vessels before the grant of port clearance, or, in the event of port clearance not being required, on the vessel preparing to leave port. A proper voucher should be given for all payments.

2. With respect to ships arriving at any port, the toll shall be levied, on arrival, whenever it shall be found that the payment of the amount due for the voyage just performed has not been made elsewhere, or that a proper voucher for such payment cannot be produced, or that other satisfactory proof of such payment cannot be given.

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* The powers vested in the Collector of Salt Revenue in the matter of sanctioning estimates and outlay for original public works and repairs from the Northern and Southern Groups Port Funds as defined in the resume of orders published with Government Resolution, Public Works Department, No. 186 A.—218, dated 21st March 1876, only applied so long as the control of those funds remained with that officer. They ceased to be operative so far as the Collector was concerned, on the appointment, in 1882, of the Commissioner of Salt Revenue to the chief control over those funds under Government Notification No. 6512-C., dated 28th September 1882. By Government Resolution, Public Works Department, No. $\frac{20A}{40}$, dated 27th March 1890, formal sanction was accorded to the declaration of the powers in question to the Commissioner, and to the Collector of Salt Revenue sanctioning estimates, on account of ordinary repairs, up to a limit of Rs. 1,000.

3. The chief officer of Customs in each port is authorized to collect the toll in the manner prescribed for the collection of such tolls by Sections 399 to 402 of the Merchant Shipping Act, 1864, so far as applicable, and to withhold port clearance until the light dues leviable from a vessel be paid.

4. The proceeds of the toll, less any expense incurred in collecting it, should be remitted to England, as directed by the 5th section of the Merchant Shipping Act Amendment Act, 1855.

5. The toll shall be enforced upon all ships whether British or foreign.

(G. I., H. D., Nos. 353 and 349, dated 11th January 1866; *vide* G. Rs. Nos. 331 and 385, dated respectively 25th and 30th idem.*)

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* The following Order of Her Majesty in Council, dated 9th May 1892, is republished for general information :—

" At the Court at Windsor, the 9th day of May 1892.

*Present.*

" The Queen's Most Excellent Majesty in Council.

" Whereas by 'The Merchant Shipping Act Amendment Act, 1855,' it was enacted that in any case in which any light-house buoy, or beacon had been or should be thereafter erected or placed on or near the coasts of any British possession by or with the consent of the Legislative authority of such possession, Her Majesty might by Order in Council fix such dues in respect thereof, to be paid by the owner or master of every ship which passes the same, or derives benefit therefrom, as Her Majesty might deem reasonable, and might in like manner from time to time increase, diminish, or repeal such dues, and that from the time specified in such Order for the commencement of the dues thereby fixed, increased, or diminished, the same should be leviable throughout Her Majesty's dominions in manner thereinafter mentioned.

† *Vide* G. N., Marine Department, No. 88, dated 1st August 1883, published at pp. 545-547 of the *B. G. G.* of 2nd idem.

" And whereas by an Order† in Council, dated the twenty-second day of May one thousand eight hundred and eighty-three, Her Majesty was pleased to direct that the dues to be paid in respect of ships passing, and deriving benefit from the lights exhibited from the Great Basses Rock, the Little Basses Rock and Minicoy Island should be those specified in the schedules attached to such Order in Council.

" And whereas by the Basses Lights Acts, 1869 and 1872, and the Public Works Loans Act, 1881, it is provided that so long as any money is due to the Public Works Loan Commissioners on account of any loan under those Acts, the dues payable in respect of the Great Basses Light-house and the Little Basses Light-house or the Minicoy Light-house, shall be altered only with the consent of the Commissioners of Her Majesty's Treasury.

" And whereas it has been made to appear to Her Majesty that all advances made by the Public Works Loans Commissioners for the purposes mentioned in the said Acts have been repaid, and that it is expedient that the amount of the dues hereinbefore referred to should be varied in manner hereinafter mentioned.

" Now, therefore, Her Majesty, in exercise of the powers vested in Her by the said recited Acts, and by and with the advice of Her Privy Council is pleased to direct that from and after the first day of July one thousand eight hundred and ninety-two, or from the time of the receipt of notice of this Order, if that be later, by the officers authorized to collect light dues the dues heretofore levied in respect of the Great Basses Light-house, the Little Basses Light-house and Minicoy Light-house under the said Order in Council of the twenty-second day of May one thousand eight hundred and eighty-three shall be subject to an abatement or discount of fifty per centum.

" HERBERT M., Supt."

(G. N., Mar. Dept., No. 67, dated 30th June 1892.)

2. By the 4th section of the Merchant Shipping Act Amendment Act, 1855, dues levied under that Act are to be collected subject to the same conditions to which light dues leviable under the Merchant Shipping Act, 1854, are subject; and as vessels in ballast are exempt from light dues leviable under the latter Act, they are also exempt from Basses light dues leviable under the Merchant Shipping Act Amendment Act, 1855. (Letter from the Secretary to the Board of Trade, London, to the Under Secretary of State for India, No. F.-3040, dated 5th April 1872; *vide* G. R. No. 2908, dated 18th June 1872.)

3. The Collector of Customs, Karáchi, should forward quarterly statements of collections of Basses light dues at the port of Karáchi as soon after the close of the quarter as possible, direct to the Accountant General. (G. R. No. 5192, dated 11th September 1876.)

4. Basses Light dues should be brought to account in the financial year in which they are collected. (S. of S., No. 26, Finl., dated 9th March 1876; *vide* G. R., F. D., No. 1600, dated 7th April 1876.)

5. In the case of all ships clearing from the United Kingdom for voyages through the Suez Canal, the dues in respect of the Basses Lights will be collected previous to clearance, instead of on arrival at the port of destination. No dues in respect of the Basses Lights should be required to be paid upon any vessel arriving in India, unless her master is unable to produce a receipt for these dues from the Collector at the port of clearance. (S. of S., No. 75, Finl., dated 26th September 1878; *vide* G. Rs., F. D., Nos. 3959, dated 1st November 1878, and 4875, dated 31st December 1878.)

6. Under Act* XIII of 1854, the sums realized from light dues are required to be applied in the first instance to the defrayal of the necessary expenses of maintaining and keeping up the several lights, and next, *i.e.*, after deducting such necessary expenses, the surplus is to be devoted to the liquidation of the moneys advanced by the East India Company towards the erection and completion of the Horsburgh Light-house, and the apparatus and furniture thereof. There is no objection to the whole of the collections being credited to the Government of the Straits, provided that the unrecovered balance, if any is still existing, of the cost of construction of the light-house referred to is repaid by annual instalments equal to the surplus of the light dues after deducting necessary expenses. *(Lighthouses Straits Act.)

After the transfer of the Settlements to the Colonial Office the Departments at the several ports in British India, which may collect light dues* for those Settlements, should levy and credit

* Under the notification by the Government of Singapore dated 15th October 1886, republished under Bombay Govern-

to the general revenues a percentage on the collections at the rate prescribed by the Board of Trade, London. (G. I., F. D., No. 1207, dated 8th March 1867; *vide* G. M. No. 1111, dated 18th idem.)

XXXIII.—TOBACCO (BOMBAY TOWN) ACT, IV OF 1857.

1. The following opinions of the Remembrancer of Legal Affairs and the Honourable the Advocate General on the question of the relative powers and duties of Customs officers and Police Magistrates under Act IV of 1857, were communicated to the Commissioner of Customs for information and guidance:—

"It is impossible to use language in framing Legislative Acts of a more extensive character and meaning than the language used in Section 6 of Act IV of 1857.

"A reference is made by that section to the powers of the Customs Department in respect of duties of Customs not specifying whether they are sea or land Customs, and, therefore, not limiting the reference to either, but extending it to both; and then the section expressly confers upon his Department, in *addition* to the powers and authorities specified in the Act IV of 1857, all the powers 'they now have or shall have in respect of duties of Customs.'

"It follows of necessity from the use of such language as this that all the powers now in force for collecting and enforcing payment of duties of Customs, whether by sea or land, can be made use of for collecting and enforcing payment of the Municipal duty on tobacco under Act IV of 1857.

"From a perusal of the papers, it does not appear what the offence was for which the fines were inflicted. I assume the facts constituted some offence against some of the provisions of the Acts relating to Customs duties.

"I may also add it is not difficult to see haw the Magistrate was led to take an imperfect and erroneous view of the matter. The Magistrate states in his letter that the Deputy Commissioner had inflicted the fines in question under Section 19 of Act IV of 1857, and on that basis the application was made to the Magistrate to enforce the fines under the provision contained in Section 224 of Act VI of 1863.

"Assuming the application to have been in this form and on this basis, and I must so assume it, it is obvious that it was imperfectly made. Section 19 of itself gave no such power to inflict fines, and the Magistrate applies himself chiefly to consider that section. The application ought to have been made on the basis of Section 6 of Act IV of 1857, and reference made to such sections of the Acts relating to sea or land Customs as empowered the Customs Department to confiscate or fine.

"Neither does it appear that when the Magistrate heard Mr. Judge on behalf of the alleged delinquents that any

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ment Notification, Marine Department, No. 104, dated 15th December 1886, at pages 1051-1052 of the *Bombay Government Gazette* of 16th idem, the tolls payable in respect of all vessels liable, under Indian Act No. XIII of 1854, to pay tolls for passing the Straits Lights have been fixed at the rates in the said Act specified (that is to say): If the voyage be one in the ordinary course whereof the vessel would pass the whole of the Straits Lights, at the rate of one anna per ton; and if the voyage be one in the ordinary course whereof the vessel would pass any one or more of the lights, but not all of them, at the rate of half anna per ton.

one appeared on behalf of the Customs Department to support the validity of their acts.

"I entertain no doubt that, if the facts charged amounted to a breach of the Regulations so as to warrant a confiscation or fine, it could have been shown to the satisfaction of the Magistrate that the Customs Department had a power of adjudicating upon the matter, and that Section 20 of Act IV of 1857 must be read, in accordance with the very words used in it, as a clause enabling any Magistrate of Police for the Town of Bombay to adjudicate upon the offence as well as and not in exclusion of the Customs Department.

"The word used in that section is 'may,' and the Magistrate is wrong in saying that all confiscations and fines under that Act are to be adjudicated upon and levied by a Magistrate of Police and by *no other authority*.

"The Magistrate is also in error in supposing that the repeal of Act I of 1852 has anything to do with the question as to what are now the powers of the Customs Department. Act VI of 1863 supplies the place of Act I of 1852, and Section 6 of Act IV of 1857 refers to the powers which the Department shall have in the future." (L. R. No. 30, dated 18th March 1871.)

"Upon the general question of the relative powers and duties of Customs Officers and Police Magistrates under Act IV of 1857, there seems little room for doubt. By Section 6 'the Commissioner of Customs, Salt and Opium, and officers of Customs shall have all the same powers and authorities for collecting and enforcing payment of the said Municipal duty in addition to the powers and authorities specified in this Act, as they now have, or shall have in respect of duties of Customs.' Reading the words 'shall have' as 'shall hereafter have' (which I think is the true construction) the Customs officers are now entitled to use in collecting and enforcing payment of the tobacco duty the powers and authorities with which they are invested in respect of duties of Customs by Act VI of 1863. Among those authorities is that given by Section 224 of Act VI of 1863, *viz.*, when a penalty has been adjudged by a Customs officer against any person, and the officer fails to realise it from such person's goods, he may notify the circumstances to any Magistrate within whose jurisdiction such persons or his goods shall be, and the Magistrate shall thereupon proceed to enforce payment of the amount in like manner as if the penalty had been adjudged by himself.

"There is, therefore, in my opinion a concurrent jurisdiction to adjudge penalties in regard to the collection and enforcement of payment of the tobacco duties vested in the Customs Officers and the Magistrates, and the latter are rendered auxiliary to the former as regards the enforcement of such penalties. This results, I think, not merely from reading the two Acts together, but from the express words of Section 20 of Act IV of 1857, which provides that 'all confiscations and fines under this Act *may* (not shall) be adjudicated and levied by any Magistrate of Police for the Town of Bombay'." (Adv. Gen., No. 65 of 1871.)

(G. R. No. 1444, dated 25th March 1871; G. R., J. D., No. 4680, dated 27th November 1871, and G. M. No. 6053, dated 2nd December 1871.)

**2.** The remission of duty to be allowed under Section 4 of Act IV of 1857 is confined to tobacco warehoused in a public or licensed warehouse, and when the tobacco is once removed from such warehouse for consumption, the right to such remission ends. If no right to such remission under such circumstances would exist under Act IV of 1857, no such right could be conferred on the Commissioner

of Customs under the provision of Act VI of 1863, because the powers and authorities in respect of Customs duties by Section 6 of Act IV of 1857 conferred upon the Commissioner of Customs in respect of the Municipal Tobacco Duty are powers of *collecting* and *enforcing payment* only, and not powers of remitting.

The words of Act IV of 1857 must be considered and acted upon literally, as the duty on tobacco therein created is a special one not appertaining to Government but to the Municipality, for whom the Commissioner of Customs is as it were a trustee. (Solicitor to Government, No. 297, dated 21st March 1873; *vide* G. R. No. 1723, dated 26th idem.) But see also Government Resolution No. 5702, dated 15th July 1885, in the preamble of which the view was expressed that the transfer of the tax to the Municipality was merely a State contribution to municipal funds not affecting the legal nature of the tax.

**3.** The Governor in Council is pleased to confer upon the Collector of Customs, Bombay, and upon each of the Assistant Collectors of Customs, Bombay, the powers specified in Sections 7, 11, 14, 15, 16, 17 and 19 of Act IV of 1857. (G. N. No. 600, dated 21st January 1885.)

**4.** With a view to meet the difficulty arising from the fact that the Commissioner of Customs, Salt, Opium and Ábkári is the only officer legally competent to grant transport permits under Section 9 and the permission contemplated by the proviso to Section 10 of the Tobacco Act IV of 1857, the Commissioner should supply the Collector and his Assistants with blank forms of permits and permissions, signed by himself, so that they may be filled in and issued by them whenever requisite. Orders for destruction of refuse or waste under Section 10 can be made, without inconvenience, after reference in each case to the Commissioner. (G. R. No. 600, dated 21st January 1885.)

**5.** The arrangement of allowing certain respectable firms to issue their own permits for the transport of tobacco more than four sers in weight when taken for personal consumption would be diametrically opposed to the requirements of the Tobacco Act, IV of 1857, which imperatively require permits from the Commissioner of Customs, Salt, Opium and Ábkári. But if this requirement can be safely relaxed, there appears to be nothing to prevent the Tobacco Department from recognizing permits granted by respectable firms under due authority.

**2.** If there is reason to suppose that smuggling goes on under cover of foreign tobacco licenses, which could be checked by insisting on a strict observance of the Act in regard to accounts, &c., then the Act should certainly be enforced. But if such accounts have been dispensed with hitherto with no particular evil consequences, it will be best

to avoid creating a fresh grievance and to let the existing system continue.

3. When a licensee asks for leave to appoint an officiator during his absence, the term for which leave is granted should be registered, and in case of the non-return of the licensee, the license should not be renewed. (G. R. No. 5891, dated 15th August 1893.)

6. The realization of the duty levied under Act IV of 1857 on tobacco and snuff in the town and island of Bombay was transferred to the Municipality of Bombay in 1866 and consequently the establishment for the realization, although under the control and orders of the Commissioner of Customs, Salt, Opium and A'bkári, Bombay, was treated as one belonging to the Municipality. The transfer of the tax to the Municipality was, however, merely a State contribution to municipal funds not affecting the legal nature of the tax or the legal status of the officers empowered to collect it. These officers should therefore be treated as Government employés in all respects, the charges on account of their pensions and leave allowances being met by deduction from the amount made over to the Municipality of a sum representing those charges. (G. I., F. & C., No. 1590, dated 25th June 1885; *vide* G. R. No. 5702, dated 15th July 1885.)

7. The Commissioner of Customs should arrange for the recovery of the leave and pensions contributions on behalf of the establishment of the Tobacco Department at the new rates prescribed for foreign service of the third kind. (G. R. No. 1832, dated 10th March 1890.)

## XXIV.—MISCELLANEOUS.

1. *Wrecks.*—"The Commissioner of Customs states that a private speculator proposes to remove the remains of vessels which may be sunk in the harbour of Bombay at his own cost, retaining as remuneration whatever he recovers from the sea.

"2. I do not think the Conservator of the Port has authority to enter into any such arrangement, or that it can be sanctioned by Government.

"3. By Section 23* of Act XXII of 1855 the Conservator is empowered to remove or destroy sunken vessels impeding the navigation of the port, and if the expense is not paid within a month he is authorized to recover the expenses by the 39th† Section of the Act, by which the Conservator is enabled, if the recovered property is unclaimed, or if the claimant refuses to pay the expense of its recovery, to sell it by public auction at once if perishable, but otherwise not until after the expiration of 6 months after its recovery; and after deduction of the costs incurred, the balance is to be paid to the person entitled to the recovered property.

*Cf. Section 14 of the Indian Ports Act, 1889.

†Ibid.

"4. I think it would be inconsistent with these provisions of the Act for Government to enter into

any agreement of the nature proposed; and as the title of the owners of the sunken property is not divested by the mere fact of its sinking, it is impossible for Government to enter into any agreement vesting such property in a third person." (Solicitor to Government, No. 329, dated 9th May 1860; *vide* G. R. No. 1897, dated 25th idem.)

2. *Clothing of peons employed at private bandars.*—All proprietors of private bandars should be called on to pay the cost of their peons' clothing over and above the amount of cutting made from their pay. (G. R. No. 3099, dated 8th September 1860.)

3. *Surveyor of the Port of Karáchi.*—In exercise of the power conferred by Section 3 of Act XIV of 1874 (The Scheduled Districts Act, 1874) the Governor of Bombay in Council is pleased, with the previous sanction of the President in Council, to declare that—

(*a*) the enactments mentioned in Schedule A hereto annexed are in force in the Province of Sind to the extent to which they are in force in any part of the Presidency of Bombay not included in any Scheduled District;

* * * * * *

Bombay Act X of 1841 relating to Registration of Ships.

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(G. of I. Notn. No. 1254, dated 30th November 1880.)

In exercise of the powers conferred by Section 7 of the Registration of Ships Act, X of 1841, as amended, His Excellency the Governor in Council is pleased to appoint the Port Officer, Karáchi, to be Surveyor for the purpose of examining and measuring ships or vessels, and granting certificates. (Bom. Govt. Notn. No. 6, dated 15th January 1896, Marine Department.)

4. *Treatment of goods shipped from Narakal.*—The Commissioner of Customs should treat goods shipped from Narakal under the arrangements sanctioned by the Government of Madras in their letter (No. 993, dated 8th June 1863) given below as if they had been shipped at British Cochin:

"I am directed to forward, for the information of His Excellency the Governor in Council, the accompanying correspondence regarding the shipment, during the monsoon months, of goods cleared from British Cochin at the adjoining port of Narakal.

"2. The Bombay Government are doubtless aware that during the monsoon ships are often unable to remain in the exposed roadstead of British Cochin. Two or three miles of British Cochin is the small place called Narakal, where the action of the sea is deadened by a mud flat, between which and the shore ships can lie and load when the Cochin roadstead is unsafe. Narakal is, however, situated in the Cochin State and is therefore 'Foreign territory.' Consequently goods exported thence are liable to duty when imported into any British Indian

port. Arrangements have, however, been made with His Highness the Rája of Cochin for the transit, across the very narrow slip of land on which Narakal is situated, of goods from British Cochin, and the Government have authorized their officers to allow goods cleared from the Customs House of British Cochin and manifested as intended for actual shipment at Narakal, to be shipped at the latter place during the monsoon.

"3. His Highness the Rája of Cochin levies duties on imports into and exports from his own territories. The precautions adopted at British Cochin leave no opening for any evasion of British duties, and the Rája would at once tax articles not cleared from British Cochin, passing into or out of Narakal. The concession is really no more than allowing goods during the monsoon to be embarked in a sheltered roadstead quite close to Cochin.

"4. I am to request that goods shipped under the above circumstances from Narakal and covered by manifests from the British Cochin Customs House may be treated in Bombay ports as if they had actually been shipped at British Cochin."

(G. R. No. 2237, dated 8th July 1863.)

5. *Travelling Allowance, &c., to witnesses.*—The rates of subsistence money and travelling allowances granted to witnesses in criminal cases under Government Notification,* Judicial Department, dated 11th November 1863, published at page 1240 of the *Bombay Government Gazette* of the 12th idem, should be conceded to witnesses whose attendance may be required in cases cognizable before the officers of Customs and Excise, under the rules set forth in the said notification so far as they may be applicable to those Departments. (G. R. No. 131, dated 15th January 1864.)

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* In supersession of former rules on the subject, the Honourable the Governor in Council is pleased to direct that the following rates of subsistence-money and travelling allowance be granted to witnesses in criminal cases :—

1. European and East Indian witnesses in the Mofussil, when summoned by a Criminal Court to give evidence in heinous cases, are to be allowed their actual expenses for carriage when the same are not in excess of 6 annas a mile. They are also to be allowed a sum not exceeding 2 rupees 8 annas a day for subsistence, if they demand the same.

2. European and East Indian witnesses coming from the Mofussil to attend trials at the High Court are to be remunerated as follows :—

*1st Class.*—Each person coming under this class to be allowed 8 annas a mile as travelling expenses for himself and a servant, 5 rupees a day as hotel allowance while in Bombay, and 2 rupees for carriage-hire for each day he may have to attend the High Court.

*2nd Class.*—Persons under this class to have their actual travelling expenses, 3 rupees a day as board expenses in Bombay, and 1 rupee palkee-hire for each day of attendance at the High Court.

*3rd Class.*—Persons of this class to have their actual travelling expenses, and 1 rupee 8 annas a day as boarding allowance.

3. The Magistrate or other authority who sends a witness to the High Court shall determine to which of the above classes he belongs.

4. As a general rule, Native witnesses of the better class, as pátels, pánderpeshas, merchants, vakils, and persons of corresponding rank, as well as all witnesses who are in no way

**6.** *Rules for protection of the Screw Pile Pier and Cranes at Kárwár.*—(1) No boats or pattimars shall remain alongside the Screw Pile Pier after sunset, nor shall come alongside before daybreak.

(2) No carts or trucks are allowed to go on the wooden platform of the pier.

(3) Cargo of any kind must not be left on the pier for more than 24 hours before being shipped, or after being landed, without permission.

(4) Any damage, by accident or otherwise, done to the pier by any boat or vessel, or by any cart or truck, must be paid for by the owners of such vessel or cart.

(5) The cranes are only to be used between daybreak and sunset, and any damage done to them will be repaired at the cost of the party who caused it.

(6) All reference with regard to the Screw Pile Pier and Cranes, &c., must be made to the Port Officer and Conservator of Kárwár.

(7) No pattimar or cargo boat is to come alongside the pier in rough weather, or if it is likely to cause damage to the same, without permission.

(8) All pattimars, cargo boats, &c., making use of the pier must have good fenders over the sides, and must be careful not to bump against the pier more than can be avoided.

(9) A Government peon is stationed on the pier, whose duty it is to report any infringment of the above rules.

(G. N. dated 31st December 1867; *vide* G. R. No. 4012, dated 20th November 1867.)

**7.** *Rules for the guidance of the officers in charge of the Government Cranes on the Town Cus-*

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concerned in the case in which their evidence is given, but whose evidence is required for furthering the ends of justice (such as attesting witnesses to depositions and inquest reports, provided they can read and write), are to be allowed 6 annas a day as subsistence-money, and they are also to receive railway and other travelling expenses that have been actually incurred by them, provided the same be reasonable.

5. Native witnesses of the class of cultivators and menials, who would not, under ordinary circumstances, voluntarily incur any expense on account of special lodging when away from home, are to be allowed subsistence-money at the rate of 4 annas a day, and are also to receive railway and other travelling expenses actually incurred by them, provided the same be reasonable.

6. Peculiar cases (that is, cases not coming under the operations of Rules 4 and 5) are to be dealt with according to their own merits or at the discretion of the Court from which subsistence-money or travelling allowance is demanded.

7. No witnesses are to receive subsistence-money or travelling allowance unless they have been summoned or otherwise ordered by a Magistrate or a Munsif or a Court of Session to attend at the Court before which their evidence is required.

8. When a witness lives in the same town or village in which the Court before which he is required to give evidence is situated, the Court may award him such sum, not exceeding 4 annas a day, as may compensate him for any loss he may have incurred by attendance upon the Court (G. N., J. D., dated 11th November 1863.)

*tom House Bandar.*—(1) Hoisting of goods will be from sunrise to sunset.

(2) No package exceeding 4 tons is to be hoisted at the 5-ton cranes, and no package exceeding 1½ tons is to be hoisted at the 2-ton crane.

(3) All Government stores to be allowed to be hoisted free.

(4) Pressed cotton bales also to be free.

(5) No horse will be permitted to be landed or shipped unless with the special permission of the Commissioner of Customs or his Deputy.

(6) The rates chargeable for the use of the cranes will be as per table annexed.

(7) The Superintendent of Cranes after inspecting the packages will fill in the Ticket C, which shall then be taken to the Shroff, who shall fill in the rates and levy the fees in cash, then sign and return the ticket as paid. On this voucher the Superintendent of Cranes will hoist the packages, but not before.

(8) A book shall be kept by Cranage Shroff, whose duty it will be to collect and enter the fees therein in accordance with Form D.

(9) The daily collections will be closed at 4 P.M., when the Superintendent shall compare the tickets with Shroff's book, and, if the number of packages tally, both shall sign the book, and the Shroff shall pay such daily collections to the Cashier, whose receipt should be obtained. Any collections made after 4 P.M. will be paid with the following day's collections, and so on.

(10) No receipt will be granted for the cranage fees levied.

(11) Disputes between importers and the officers in charge of cranes to be disposed of by the Deputy Commissioner, subject to appeal to the Commissioner of Customs, whose decision is to be final.

*Cranage Rates.*

The following are the rates to be charged for the use of the cranes on the Town Custom House Bandar :—

| | | Rs. a. p. | | | Rs. a. p. |
|---|---|---|---|---|---|
| For heisting a large spar... | Per each | 2 0 0 | For hoisting a large bale of English goods. | Per each | 0 4 0 |
| For hoisting an anchor, piece of machinery or a gun above one ton in weight ... ... | Per cwt. | 0 1 0 | For hoisting a small bale of English goods. | ,, ... | 0 2 0 |
| For hoisting an anchor, piece of machinery or a gun one ton and under ... | ,, ... | 0 0 6 | For hoisting large case of merchandise .. | ,, ... | 0 4 0 |
| For hoisting cask of hardware ... .. .. | ,, ... | 0 0 6 | For hoisting small case. | ,, .. | 0 1 0 |
| For hoisting case of copper ... ... ... ... | ,, ... | 0 0 6 | Do. large crate. | ,, ... | 0 1 0 |
| For hoisting a carriage ... | Per each | 2 0 0 | Do. large cask or pipe... | ,, ... | 0 4 0 |
| For hoisting large bale of country piece-goods ... | ,, ... | 0 8 0 | Do hogshead. | ,, .. | 0 2 0 |
| | | | For hoisting small packages of sorts and sizes, 8 for ... ... | ,, ... | 0 1 0 |

(G. R. No. 2496, dated 26th May 1870.)

**8.** *Shipping Office, Kárwar.*—Under the provisions of Section II of Act I of 1859, the Right Honourable the Governor in Council is pleased, with the sanction of the Governor General of India in Council, to establish a Shipping Office at Kárwár in the Kánara Collectorate and to appoint the Port Officer at that place as Superintendent. (G. N. dated 24th February 1868; *vide* G. R. No. 741 of the same date.)

**9.** *Firman Privilege.*—The Honourable the Governor in Council is pleased to notify, for general information, that the Firman privilege under which Portuguese goods have hitherto been permitted to be imported into Surat at the uniform rate of 2½ per cent. duty, will cease from and after 1st September 1872. (G. N. dated 26th July 1872; *vide* G. R. No. 3612 of the same date.)

(1) In continuation of Government Notification dated 26th July 1872, the Honourable the Governor in Council is further pleased to notify, for general information, that the Firman privilege under which Portuguese goods have hitherto been permitted to be exported from Surat at the uniform rate of 2½ per cent. duty, will cease from and after 8th December 1872. (G. N. dated 8th November 1872; *vide* G. R. No. 5550 of the same date.)

(2) Any levy by the Marfatya of the Portuguese Factory at Surat of an import duty of 2½ per cent. *ad valorem* or any other duty on goods brought from Diu in a Portuguese vessel is illegal, and the importers are not bound to pay it. (L.R. No. 19, dated 21st February 1873; *vide* G. R. No. 1186, dated 28th idem.)

**10.** *Uniforms.*—It having been considered necessary, for the better efficiency of Her Majesty's Customs Preventive Service at Bombay, that the whole of the officers composing that body should be in uniform, the Honourable the Governor in Council is pleased to approve of and sanction, in supersession of previous orders, the following rules, and to declare that the same shall for the future be recognized and adopted as the "Dress Regulations" of that service:—

*Cap.*—Navy blue cloth, with plain silk or mohair band, ornamented with a badge with the letters "H. M. C." in silver or white metal, surmounted with a crown and enclosed in a laurel wreath worked in gold thread.

*Jacket.*—Pea, Navy blue cloth, serge or venetian, double-breasted with a gilt Imperial crown on each lappet and eight gilt Regulation buttons in front and three crossways on the cuffs of each sleeve.

*Jacket.*—For Superintendent, Deputy Superintendent and four Inspectors, same as above with distinctive lace on the cuffs of the sleeves in lieu of the buttons worn by the officers as follows:

Superintendent and Deputy Superintendent, double ring of gold lace round the cuff of each sleeve, half an inch in width.

Inspectors, single ring of gold lace on each sleeve of the same width.

*Coat.*—Surtout or frock with Imperial crowns as above and same number of buttons, and with the same distinctions as those adopted for the double breasted jacket appointed to be worn on duty.

*Vest.*—White, or of the same colour and material as the coat, with six Regulation buttons.

*Trousers.*—White or Navy blue in the hot weather, and when exposed on duty the officers will be permitted to wear a white tunic instead of the blue pea jacket. The white tunic to have one row of five Regulation buttons down the front, the Imperial crowns to be worn, one on each side of the collar, and one-and-a-half inches from the opening in front.

Instead of the cap, a white helmet with a white pagri may be worn. (G. N. No. 2769, dated 8th April 1895.)

**11.** It having been considered necessary, for the better efficiency of Her Majesty's Customs Preventive Service at Karáchi, that the whole of the officers composing that body should be in uniform, the Honourable the Governor in Council is pleased to declare that the Rules sanctioned in Government Notification No. 2769, dated 8th April 1895, shall (with the omission of the words "Deputy Superintendent") be recognized and adopted as the Dress Regulations of that service. (G. N. No. 4289, dated 8th June 1895.)

**12.** The Dress Regulations of the Customs Preventive Service at Bombay prescribed in Government Notification* dated 17th August 1874, with the substitution of the letters "H. M. C. & S." for the letter "H. M. C." on the badge of the cap, should be extended to the Coast Guard Service and Inspectors of the Salt Department. The Superintendent and five Senior Inspectors of the Coast Guard service should be deemed to be the officers entitled to wear the dress prescribed for the Superintendent, Deputy Superintendent and four Inspectors of the Customs Preventive Service. (G. Rs. Nos. 4856, dated 9th September 1874, and 19, dated 3rd January 1881.)

* Sup by G. No. 27 dated April 1

**13.** Preventive officers of all grades should be required to provide themselves with uniforms at their own expense.

It does not appear requisite to supply the tallymen on salaries of Rs. 40 and Rs 30 per month with uniform. All that is necessary is that they should, when on duty, wear some distinguishing badge to show that they are in Government employ, and arrangements may be made to supply them with such badges. (G. R. No. 2877, dated 11th April 1883.)

**14.** *Jeddah Salt Measure 'Cantar.'*—For the purposes of Customs duties, the equivalent of the Jeddah salt measure called "Cantar" should be fixed at 95 lbs. avoirdupois. (G. I., F. & C., No. 6010, dated 7th October 1874; *vide* G. R. No. 5511, dated 17th idem.)

**15.** *Returns of vessels entering from and clearing to foreign countries.*—The Commissioner of Customs and the Commissioner in Sind should submit, for transmission to the Government of India, annual returns in the following form, showing the number and tonnage of vessels which entered from and cleared to foreign countries at the ports under their charges:

Statement showing the number and tonnage of vessels (including steamers and distinguishing native craft) which entered from and cleared to foreign countries at ports in the Bombay Presidency, including Sind, in the year (with cargoes and in ballast)

| Countries. | Entered. | | Cleared. | |
|---|---|---|---|---|
| | Vessels. | Tons | Vessels. | Tons. |
| *Vessels not Native.* | | | | |
| Full detail of countries. | | | | |
| | | | | |
| *Native Craft.* | | | | |
| Full detail of countries. | | | | |

(G. I., R., A. & C., No. C.—201, dated 26th June 1875; *vide* G. R. No. 3810, dated 7th July 1875.)

**16.** *Registry of Vessels.*—"If the schooner 'Nelly' (belonging to Port Louis, Mauritius, has been broken up in this port * * *, her certificate of registry should be forwarded by the Registrar of Shipping of this port to the Registrar of Shipping at her port of registry. This is provided by Section 53 of the Merchant Shipping Act, 1854, which also requires that in such a case her certificate of registry should be delivered to the Registrar of Shipping at the port where the breaking up occurs." (Solicitor to Government, No. 991, dated 25th September 1875; *vide* G. R. No. 5644, dated 5th October 1875.)

(1) The Registrars of Shipping at the ports named below should insert in their annual lists

of shipping, the particulars of the gross tonnage of sailing and steam vessels as well as the net register tonnage.

*Indian Ports of Imperial Registry.*

| | | |
|---|---|---|
| Akyab ... | ... | (Local also) |
| Bombay ... | ... | Do. |
| Calcutta... | ... | Do. |
| Cochin ... | ... | Do. |
| Madras ... | ... | ... |
| Moulmein | ... | (Local also) |
| Rangoon | ... | ... |

(G. I., F. & C., No. 214, dated 15th January 1887; *vide* G. R. No. 679, dated 28th idem.)

(2) Local Boards must be counted amongst "Her Majesty's subjects residing within the Presidency of Bombay," and therefore vessels belonging to them are liable to be registered under Act XIX of 1838, if they are employed in such places as would render them liable to be registered under that Act, if they were the property of private owners. The Act applies to 'harbour craft' and to vessels 'employed on the coasts,' *i.e.*, on the sea-coast. It does not apply to vessels employed exclusively on rivers and creeks unless they ply to places which, although situated on such rivers or creeks, may reasonably be held to be on the sea-coast. (L. R No. 261, dated 23rd February 1888; *vide* G. R. No. 1607, dated 8th March 1888.)

(3) Sections 4 and 6 of Act XIX of 1838 contemplate that, at each Continental port, the registry of vessels shall be made and the duty of marking or branding and of ascertaining the burthen of vessels shall be performed either (1) by the Collector of Sea Customs at such port, or (2) by such other person as the Government of Bombay appoints to act at such port in the execution of the Act. By clause (7) of Government Notification No. 6512-A. of 20th September 1882, (published in the *Bombay Government Gazette* for 1882, Part I, 717), all Sarkárkuns in charge of tálukas were appointed Customs collectors under the Sea Customs Act, 1878, for the ports in their respective charges, and this officer is the preson who for years past has made the registry of vessels at every Continental port, and the Department wishes him to continue to do so. No further notification or appointment appears, therefore, to be necessary under Act XIX of 1838. The Sarkárkun should, however, not only make registry of vessels, but also perform the duty, through his subordinates, and, when necessary, under his certificates, of marking or branding or ascertaining the burthen of vessels.

Coast Guard Inspectors have received special instruction in the rules regarding the measurement of vessels, and Sarkárkuns have had no such instruction. But as both Sarkárkuns and Coast Guard Inspectors cannot be appointed to act in execution of Act XIX of 1838, and the former

are the officers already holding the office which qualifies them so to act, it is desirable that by Department arrangement the Coast Guard Inspectors should be made to act in subordination to the Sarkárkuns. Certificates of measurement, when necessary for evidentiary or other purposes, should be signed by the Sarkárkun, but the Coast Guard Inspector who actually made any measurement could be required to attach his initials to the certificate before it is signed by the Sarkárkun. (L. R. No. 1284, dated 3rd August 1891; *vide* G. R. No. 5730, dated 21st idem.)

**17.** *Boxes, &c., intended for private or official use on board vessels of Royal Navy arriving manifested as cargo.*—Boxes and parcels intended for private or official use on board vessels of Her Majesty's Navy, which arrive as manifested cargo, need not be treated as cargo for inclusion in the statistical returns, and may be passed on board the vessel for which they are intended or which is to convey them to their destination, on the Deputy Commissioner's order without documents, the manifest of the importing vessel being cleared by a note that this has been done. Government have no objection to cases for naval officers serving on distant stations being sent on board the flag or other ship in Bombay to be forwarded to them, on receipt of a written requisition by the Officer Commanding. (G. R. No. 562, dated 2nd February 1878.)

**18.** *Sampling of goods.*—The power given by Section 178 of Act VI of 1863 and continued by Section 195 of the new Customs Act VIII of 1878 to take samples of goods for the purpose of ascertaining their value, is viewed with some apprehension by merchants. It is alleged that in certain cases as those of prints or fancy goods, the ideas of the importers may be communicated to others who would pirate them to the detriment of the importer. The officers employed in valuing goods for the Customs House should be warned to guard against this to the utmost of their power, by taking care n t to show the samples publicly or to persons who might make use of them in the manner apprehended. Any flagrant instance of carelessness in this respect would be deserving of punishment. (G. I., R., A. & C., No. 50 dated 21st March 1878; *vide* G. R. No. 1776 dated 6th April 1878.)

**19.** *Interpretation of Section 201 of Act VIII of 1878.*—Doubts have arisen as to the interpretation of the terms of Section 201 of the Sea Customs Act, VIII of 1878, which provides that 'the Customs Collector may in his discretion, upon payment of one rupee, authorize any document, after it has been entered and recorded in the Custom-house, to be amended.' This section reproduces the last clause of Section 191 of Act VI of 1863, the fee being limited to one rupee by the new Act, whereas under the old law it might have amounted to ten rupees.

It seems that the practice under the old law in some Custom-houses was to levy a fee or not, according to the discretion of the Collector. This is the view still held in Calcutta, and perhaps in some other Custom-houses.

Another interpretation of the section, however, —and this is the interpretation which it appears has been adopted recently in the Bombay Custom-house, —is that the law allows of the exercise of the Collector's discretion only in regard to permission to make an amendment; but that if such permission is given, the payment of the fee of one rupee must be insisted on.

It seems to the Governor General in Council that this is in fact the correct interpretation of the section. The law, as framed, does not extend any discretion to the payment of the fee, which follows necessarily on authority for the amendment being given, and it is only in regard to the authorization of an amendment that a discretionary power remains.

It has, however, been represented that the levy of the fee in every case without exception causes unnecessary hardship and annoyance, and as it is clear that the authority vested by law with the entire disposal of the revenue realised by such fees, and which can also direct their refund, is competent to dispense with their payment, the Governor General in Council is pleased to authorize Customs Collectors to dispense with the payment of the fee in cases in which its enforcement is not considered necessary to check carelessness and prevent unnecessary trouble being given to Customs establishments. His Excellency in Council does not doubt that the discretionary power now vested in Customs Collectors will be wisely and liberally exercised, and the great importance of maintaining, so far as may be possible, friendly relations between the mercantile community and the Customs establishments always borne in mind.

Cases sometimes occur in which alterations are made in the quantities entered in the papers presented by importers, the actual quantity as ascertained by weighment being found to be less than the invoice weight. In all such cases, duty should, of course, be charged on the quantities and qualities specified in the papers as amended, not as originally entered at the Custom-house.

(G. I., R., A. & C., No. 1, dated 2nd September 1878; *vide* G. R. No. 4797, dated 19th idem.)

**20.** *Vessels coming from or going to Camorta to be treated as vessels trading with Foreign Ports.* —As there is danger of illicit trade being carried on between the Straits Settlements and India *viâ* Camorta,* the Customs officers should treat all vessels

* Under the notification by the Government of India, Home Department, No. 87, dated 1st April 1879, Camorta and Port Blair were declared by the Chief Commissioner of the Andaman and Nicobar Islands under Section 11 of the Sea Customs Act, 1878, to be ports for the shipment and landing of goods.

riving from that port or going thither as regards examination of goods and control by the Preventive Department as vessels trading with foreign ports. (G. I., R., A. & C., No. 83-C., dated 18th April 1879; *vide* G. R. No. 2182, dated 24th idem.)

**21.** *Arms.*—Weapons and firearms lying unclaimed in the Bombay and Karáchi Customs Houses should be handed over for disposal by the Collector of Customs, Bombay, to the Commissioner of Police, Bombay, and by the Collector of Customs, Kárachi, to the District Superintendent of Police, Kárachi. (G. Rs. Nos. ,921 dated 21st February 1879, and 1865, dated 10th March 1886.)

(1) Under Section 27 of the Indian Arms Act, 1878, the Governor General in Council is pleased to exempt from the prohibitions and directions contained in Section 6 of the said Act, such arms, ammunition, and military stores brought into an Indian port as may be declared under manifest to be consignments, without transhipment, to another port, provided such other port be not situate on the coast of India, between the most westerly point of India and the most southerly point of British Burma, and provided such port be not a foreign port on the eastern sea-board of Africa.

This exemption will become void in the event of any of the articles claiming such exemption being landed at, or transhipped in, the port into which they may have been brought.

(G. I., H. R. & A., Not. No. 1572, dated 29th August 1879; *vide* G. R. No. 4848, dated 11th September 1879; *vide* also G. R., J. D., No. 1687, dated 14th March 1882.)

(2) In continuation of Notification No 1572, dated the 29th August 1879, it is hereby declared that, under Section 27 of the Indian Arms Act, 1878, the Governor General in Council is pleased to exempt, from the prohibitions and directions contained in Section 6 of the said Act, such arms, ammunition and military stores brought into an Indian port as may be declared under manifest to be consignments without transhipment to another Indian port, provided that the port to which such arms, ammunition or military stores are consigned is one of the ports named in Rule 6 of the Rules published under Home Department Notification No. 518, dated 6th March 1879.

This exemption will become void in the event of any of the articles claiming such exemption being landed at, or transhipped in, any port other than that to which the articles are consigned.

(G. I., H. R. and A., Notn. No. 75, dated 14th January 1880; *vide* G. R. No. 377, dated 23rd idem.

(3) Doubts having arisen as to the procedure to be followed in respect the export of arms and ammunition to persons in Native States who enjoy privileges when in British India under the Arms Act and Rules, the Governor General in Council has been

pleased to specially empower the Commissioners of Police in Bombay and Madras and the Deputy Commissioner in Calcutta to grant export licenses subject to the conditions specified below, namely,—

(*a*) The consignment for export must consist only of arms and ammunition in reasonable quantities and for personal use.

(*b*) The consignee must belong to one of the classes of persons mentioned in clause I of Home Department Notification* No. 518 (Public), dated the 6th March 1879.

(*c*) In all cases of doubt, and specially when the consignee is not a European subject of Her Majesty, and a gazetted civil or commissioned military officer, the Commissioner or Deputy Commissioner of Police must refer to the Political authority in the Native State to which export is to be made.

(*d*) The licenses will be granted free of charge.

(*e*) The Commissioner or Deputy Commissioner will keep a list of such licenses.

(*f*) In all other respects the Commissioner or Deputy Commissioner will be guided by the existing rules relating to export licenses; and more particularly it will be necessary for him to send a copy of each license, as it issues, to the Political authority in the State to which the export is made.

(G. I., For. Dept., No. 1051-I., dated 22nd March 1884; *vide* G. R. No. 765, dated 27th January 1885.)

**22.** *Confiscations.*—When articles likely to be of use to Government for any purpose are confiscated for any reason by the Customs Department, the instructions of Government in the Revenue Department as to their disposal should be applied for and obtained. (G. R. No. 2153, dated 24th April 1880.)

**23.** *Customs Administration Report and Trade Review.*—The Government of India will not press for the incorporation of the Trade Review which forms the introduction to the Annual Volume of Statistics with the Administration Report of the Customs Department which latter may expediently be retained as a separate publication.

The Trade Review which is in its proper place at the beginning of the volume of Statistics, and should remain there, is hardly even yet, though it has been much improved recently, as full and complete as it should be. The trade of the Continental ports is very scantily treated, and generally both as regards foreign and coasting trade the causes of the fluctuation of trade are not discussed with the clearness and fullness required for the adequate interpretation of the statistics of a Presidency of such great commercial importance as that of Bombay.

* Republished in the *Bombay Government Gazette* under Government Notification, Judicial Department, No. 1484, dated 11th March 1879.

In the Customs Administration report all figures concerning trade that may be commented upon should be taken from the volume of Trade Statistics in order to avoid discrepancies between the Trade Review and the Administration Report. (G. I., F., C., No. 3256, dated 27th September 1881; *vide* G. R. No. 5956, dated 10th October 1881.)

**24.** *Buoys.*—No buoys should be removed from their position without the previous sanction of Government, for which timely application should be made. (G. R. No. 4650, dated 18th July 1882.)

(1) The 15th May should be fixed as the date before which no buoys should be removed. Timely notice should be given to Government every year of the exact date on which it is proposed to take up the buoys, the date being fixed in view of the circumstances of the season. It is essential that this should be done in order that the public may be informed in time of the date on which it is intended to raise each buoy. (G. R. No. 5990, dated 14th August 1883.)

**25.** *Verification in Turkish Consulates and by Customs authorities of manifests of certain articles exported from India to Turkish Ports.*—"With reference to a communication received from the Imperial Ottoman Embassy at London, I have the honour to state that, as the Roumanian Government, contrary to the interest of the Turkish Government, has increased the duties on the articles imported into that country from the Ottoman dominions, the Government of Sublime Porte have been compelled to make a similar increase, from the 21st of January 1886, in duty on the articles mentioned in the accompanying list, imported into Ottoman dominions from Roumania.

"I am, therefore, desired to request that the Government of this country will be kind enough to instruct the authorities concerned, to require the parties sending those articles from this country to any Turkish port, to get their manifests verified in the Turkish Consulates in order that these articles may not be taken as exported from Roumania. Where there is no Turkish Consulate, the Customs authorities may be instructed to verify such manifests. In case of there being no such verification on the manifests, the goods will be considered as exported from Roumanian ports."

| Articles. | Rate. | Duty. | |
|---|---|---|---|
| | | Piastres. | Paras. |
| Living oxen and cows ... .. | Per head ... | 160 | ... |
| " sheep and goats ... ... | " . | 15 | ... |
| " lambs and kids ... ... | " ... | 7 | 15 |
| Butter, fresh, salted or artificial ... | Per 100 gross kilos. | 225 | .. |
| Fat ... ... ... .. | " ... | 150 | ... |
| Cheese preserved in salt-water, cheese dry, cheese kept in leather bags .. | " ... | 150 | ... |
| Salted and dry fishes ... . | " ... | 125 | ... |
| Wheat ... ... ... | " .. | 5 | ... |
| Rye, maize (Indian wheat), barley, oats, and millet .. ... | " ... | 10 | ... |

| Articles. | Rate | Duty. | |
|---|---|---|---|
| | | Piastres. | Paras. |
| Wheat-flour ... ... ... | Per 100 gross kilos. | 30 | ... |
| Other flour ... ... ... | ,, ... | 20 | ... |
| Dry French bean ... ... | ,, ... | 17 | 50 |
| Spirits in Casks ... ... | ,, ... | 100 | ... |
| *Observations.*—Spirits in bottles will be charged 50 per cent. more. | | | |
| Purified and unpurified rock oil ... | ,, ... | 40 | ... |
| Timbers (no deduction allowed for the distance occurring in measurement between the pieces of wood tied in a bundle)— | | | |
| (*a*) Timber in blocks cut by saw and smoothed with planes (Galatz), planks, narrow planks, and the like ... ... ... ... | Per cubic metre. | 30 | ... |
| (*b*) Poles, masts, rafts, and the like. | ,, .. | 20 | ... |

The duty will be levied in Turkish pounds equal to 200 piastres.

(Letter from the Consul-General for the Ottoman Empire at Bombay, No. 37, dated 19th October 1886; *vide* G. R. No. 7765, dated 3rd November 1886.)

**26.** *Turkish Vessels.*—The Commissioner of Customs should supply the Consul General for the Ottoman Empire at Bombay at the end of every month with a list of all the vessels under Turkish flag, such as buglows, &c., passing and repassing the port of Bombay, showing their names, tonnage, the names of captains, the particular country to which they belong, and the number of crews. (G. R. No. 7933, dated 10th November 1886.)

**27.** *Certificates of origin for British goods exported to Spain.*—The following circular was issued by the Vice-Consul for Spain, Bombay, on 31st January 1898:—

Shippers to Spanish ports are informed that certificates of origin have to be made out in duplicate and in accordance with the model A annexed. The original must be signed by one of the following authorities before whom the shippers' declaration is to be made and the invoices of the goods be presented, viz.:—

The Chamber of Commerce, the Mayor, the Police Magistrate (not J.P.'s) and the Customs authorities. It will be viséd then by the undersigned. The duplicate will be retained at the Vice-Consulate, but need not be signed by the authorities.

It is recommended that certificates be made out in Spanish or French in order to avoid the trouble, expense and delay which may occur by their having to be translated if written in other languages.

A

FORM FOR MERCHANT'S DECLARATION.

*Certificate of Origin.*

I, the undersigned (1) .....
do hereby certify that Messrs. (2) .....

.....Merchants of (3) Bombay, have declared before me, under their own responsibility, that the goods mentioned below are of British origin and manufacture, according to *bonâ-fide* invoices which have been presented to me by the senders, which goods are to be sent to (4) ..... ..... and consigned to (5) Messrs..... of.....

| Number and description of packages. | Marks. | Numbers. | Gross weight in kilos. | Class and description of goods. |
|---|---|---|---|---|
| | | | | |

Declared under our own responsibility (6)

(7).....

(8).....

Directions—

1. Name of authority issuing the certificate.
2. Name of Merchants.
3. Full address of Merchants.
4. Place of destination in Spain.
5. Name, profession and address of consignees in Spain.
6. Signature of Merchants.
7. Date and signature of authority issuing the certificate.
8. Consular Legalization.

The validity of this certificate expires six months from the date of the vise.

The new form of certificate issued by the Vice-Consul for Spain in Bombay has been adopted, but it has been directed that the origin or manufacture of the goods mentioned in it should be specified as British Indian, Native Indian, Persian, Arabian or Chinese, as the case may be. The Collector cannot accept signatures of leading firms on this certificate without requiring the presence of their representatives at the Customs House (G.R. No. 1720, dated 9th March 1858.)

**28.** *Certificates of origin for goods exported to Italy.*—The Italian Government having failed to renew the Treaty of Commerce with France have been compelled to adopt reciprocity of treatment towards almost all descriptions of French goods imported into Italy, enforcing a differential tariff. In order to avoid possible errors of judgment by subjecting other foreign goods to such differential treatment, the Italian Government have decided upon having recourse to certificates of origin to be enforced as per the following directions :—

The certificates of origin may be granted either by the Chambers of Commerce or similar autho-

rities, by the Italian Consuls or Municipal authorities as also by Foreign Customs.

The required document should contain marks, quality and quantity of goods and certify that they are products of the soil or industry of the country from which they are shipped.

The Customs officers may be satisfied instead of the above certificates of origin with the simple original invoices, and they are authorized also not to request production of invoices for such goods that may bear the characteristic mark of the products of the country of origin or form almost a monopoly such as the typical wines, pilchards of Spain, English herrings, Sweden stock fish, &c., &c.

The said certificate of origin will not be wanted for goods coming directly from the country of production, provided they have not been transhipped or the steamer called at any intermediate French port or ports.

As for the parcels post, the declaration of the sender will stand for the certificate of origin.

The Customs authorities are allowed all discretion in dealing with such certificates of origin, provided they should be amply satisfied as to the origin of goods, and they are instructed not to embarrass or check the trade by enforcing this new rule until ample time has elapsed for it to be known abroad.

This new rule is not applicable to small parcels carried by passengers for which the usual Customs tariff will be enforced.

(G. R. No. 3323, dated 23rd May 1888.)

**29.** *Establishments.*—So long as arrangements are made for recovering the cost of pensions and allowances in accordance with Article 823 of the Civil Service Regulations, the sanction of the Government of India is not necessary to such appointments as that of a clerk on Rs. 40 a month entertained in the Prince's Dock establishment at the cost of Messrs. Shepherd & Co. (G. I., F. & C., No. 2934, dated 12th June 1889; *vide* G. R. No. 4923, dated 9th July 1889.)

(1) The establishments attached to the Chief Account Officer of Customs, Salt, and Opium and the office of the Reporter General of External Commerce which are under the direct control of the Commissioner of Customs, Salt, Opium and A'bkári, should be considered as one in the matter of transfers and promotions. (G. R. No. 8927, dated 12th November 1892.)

**30.** *Purchase, construction and repairs of launches, vessels, &c.*—The obtaining of a steam launch from England through a private firm is inadmissible, being in contravention of the orders contained in the Resolution of the Government of India, Finance Department, No. 2586, dated 23rd May 1889, regarding the supply of European stores

required for the public service. The Secretary of State has also clearly laid down in his despatch No. 139 (Military), dated 31st July 1890, that the purchase of a vessel in India without his previous sanction is a departure from the orders prohibiting local purchases.

The rules contained in the following Resolution of the Government of India in the Public Works Department, No. 455 M., dated 30th December 1890, do not make it compulsory on Local Governments or Departments to have their launches built in the Bombay or Kidderpore Dockyards under all circumstances. It is, however, considered desirable that those establishments should be employed as largely as possible: —

"In supersession of previous orders on the subject the Governor General in Council in pleased to approve of the following modified rules on the subject of the construction and repair of steam-boats, lauches and other vessels for the use of Government by the Government dockyards at Calcutta or Bombay, and by private firms.

"(2) In future, work which is connected with the construction of Government vessels must, in all cases, be carried out either by Government workshops or dockyards, unless for any special reason it appears that the employment of private firms will be more economical, or if workshops or dockyards are unable, by press of other demands, to execute the work as speedily as is necessary.

"(3) Local Governments and Administrations are at liberty in every case to call for estimates for any work which has to be done, both from Government dockyards and private firms simultaneously, and to decide, with reference both to the amount of the tenders received and to other considerations, how the work shall be executed.

"(4) An annual return is to be submitted on the 31st December of each year to the Government of India showing all cases in which work, of the nature referred to, has been given to private firms in preference to Government workshops or dockyards, with a full explanation of the reasons which led to the employment of the private firms.

"(5) As regards repairs to Government vessels, Local Governments and Administrations, except those of Bengal and Bombay, where Government dockyards exist, will probably find it to their advantage to have such repairs as may be required executed locally, and the return prescribed in the preceding paragraph need not therefore, in their case, specify repair work executed by private firms. In the case of the returns from Bengal and Bombay, the returns should, however, specify such repairs, which should be executed, whenever possible, at the Government dockyards."

(G. I., Mar. Dept., No. 586, dated 26th June 1891; *vide* G. R. No. 4727, dated 11th July 1891.)

**31.** *Portuguese Custom-houses, &c.*—The following Resolution of the Government of Portuguese

India and statements showing the land and sea custom-houses and the chaukis and guard posts under them on the sea board and land frontier of the Portuguese Settlements of Goa, Daman and Diu, which have been received from His Excellency the Governor General of Portuguese India, are published for general information :—

"No. 71.—In order to put into execution what has been determined by Resolution No. 23 of 14th ultimo, regarding the re-establishment of the Customs Rules in force before the Anglo-Portuguese Treaty of 26th December 1878, I deem it convenient, after hearing the Acting Commissioner of Customs, to declare, on behalf of the Governor General, that the land and sea customs-houses and the chaukis and outposts under them are the following :—

The Nova Goa Custom House.
Chauki at Agoada.
Customs House at Mormugoa.
Customs Post at Col.
Do. at D. Paula (a).
Delegation at Collem.
* * *
Customs House at Sanguem.
Post at Tivem.
Chauki at Mollim (b).
Do. at Intorlim.
Do. at Naiquinim.
Do. at Zewa.
Do. at Cuessim.
* * *
Customs House at Betul.
Post at Agonda.
Do. at Nuem.
Do. at Cabo de Rama.
Do. at Cananguinim.
Do. at Cavelassein (a).
Do. at Serambatim (a).
* * *
Customs House at Talpona.
Chauki at Pollem.
Do. at Supanguddi.
Do. at Palvodim.
Do. at Peramarogo.
Do. at Butpalle.
Do. at Udenool.
Do. at Galgibaga (a).
* * *
Customs House at Chapora.
Chauki at Tiracol.
Post at Quirampanim.
Do. at Sanvarzuna.
Do. at Morgim.
Do. at Baga (a).
* * *
Customs House at Doromarogs.
Chauki at Chandel.
Do. at Tarxem.
Post at Sallem.
Do. at Singuervalle (a).
Do. at Neibaga.
Do. at Avcornem.
* *

(a) These posts are guard-houses.
(b) The present chauki was established in substitution of the former custom-house.

Customs House at Sanguelim.
Chauki at Veluz.
Do. at Quelandem.
Do. at Manliguem.
Post at Quelgate (*a*).
Do. at Churchirem.
Do. at Codal.
Do. at Surla (*a*).

Thus the above substitutes the Resolution No. 29 of the 16th ultimo published in the *Government Gazette* No. 7.

All authorities and other persons concerned in the execution of this will so understand and duly execute it.

(Signed) J. M. C. TABORDA,
Secretary-General.

*Government House, Panjim,*
*10th February 1892.*

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COPY.

*Statement showing the Chaukis and Posts under the Daman Customs House.*

| Districts. | Designation of Customs Houses and their Chaukis and Posts. | Remarks. |
|---|---|---|
| District of Daman. | Daman Custom House... | Levying post. |
| | Chauki at Bensolor ... | |
| | Post at Varacunda ... | |
| | Do. at Colieque ... | |
| | Do. at Atiavar ... | |
| | Do. at Dabel ... ... | |
| | Do. Bamampuja ... | |
| | Do. at Calem ... ... | |
| | Do. at Palcete ... | |
| | Do. at Lower Daman.. | Guard-house. |
| | Do. at Vôr ... ... | |
| | Do. at Patalia... ... | |
| | Do. at Vanguinim .. | |
| | Do. at Nandi ... ... | |
| District of Nagar Avely. | Chauki at Dadra ... | Levying post. |
| | Post at Algad ... ... | |
| | Do. at Duemedy ... | |
| | Do. at Racoly... ... | |
| | Do. at Velugao ... | |
| | Do. at Randa ... ... | |
| | Do. at Silly ... ... | |
| | Do. at Querdi ... ... | |
| | Do. at Dudonim ... | |
| | Do. at Cumbaivary ... | |
| | Do. at Luary ... ... | |

(Signe ) J. F. DESOUZA GASPAR,
Acting Commissioner of Customs.

*New Goa, 16th June 1892.*

(*a*) These posts are guard-houses.

CUSTOMS.]

COPY.

*Statement showing the Posts under the Diu Customs House.*

| Designation of Customs Houses and their Posts. | Where situated. | Remarks. |
|---|---|---|
| *Diu Custom House.* | | |
| Post at Brancavara... | On the Brancavara Bandar. | Levying post. |
| Do. at Gogola ... | At the Gogola Gate. | |
| Do. at Passo Covo... | In the Passo Covo Fort. | |
| Do. at Passo Secco. . | In the Passo Secco Fort. | |
| Do. at Simbor ... | In the Simbor Fort. | Levying post from October to February every year during the bumblo-fishing season. |
| Do. at Brancavara .. | In the Brancavara Fort. | Guard-house. |
| Do. at Nagoa ... | In the Nagoa Fort . | |
| Two posts at Gogola. | In the Gogola village. | |

(Signed) J. I. DESOUZA GASPAR,
Acting Commissioner of Customs.

*New Goa, 16th June 1892.*

(True Copy)

(Signed) J. M. C. TABORDA,
Secretary-General

*Secretariat-General, 20th June 1892.*

(G. N. No. 7254, dated 13th September 1892.)

**32.** *Inspection of sea-going vessels.*—The Commissioner of Customs, Salt, Opium and A'bkári should issue to the officers subordinate to him instructions similar to those issued by the Commissioner in Sind to the Customs Preventive Service at Karáchi and the Customs officers elsewhere in Sind to inspect sea-going vessels and to report to the proper authorities all cases of infringement of the rules for preventing collisions at sea which may come to their notice. (G. R. No. 6414, dated 5th September 1893.)